

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15270 OF 2022

Vishal Shripal Devkule

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

Mr. Aditya S. Raktade a/w. Mr. Sumit Vhanbatte for the Petitioner.
Mr. A.A. Naik, A.G.P for the Respondent Nos.1 to 3 & 6-State.
Mr. Abhijit Adagule for Respondent Nos.4 & 5-Corporation.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : 24th September 2025.

P. C. :

- 1.** Heard Mr. Raktade, learned counsel for the Petitioner, Mr. Naik, learned A.G.P for the Respondent Nos.1 to 3 & 6-State and Mr. Adagule, learned counsel for the Respondent Nos.4 & 5-Corporation.
- 2.** The Petition has been filed for a direction to the Respondents to decide the Application dated 10th October 2017 of the Petitioner and further to direct the Respondent-Corporation to revise and implement the Minor Modification in Town Development Plan in accordance with the

Government Resolution (G.R.) dated 14th September 1988 and Official Gazette dated 27th November 1986. The Petitioner is a Chief Promoter of the proposed Rajiv Gandhi Co-operative Housing Society Limited, Kolhapur. The said Society had demanded land situated at City Survey No. 625/1 & 2 for construction of houses.

3. The Revised Development Plan of the Kolhapur City was sanctioned by the Urban Development Department by a Resolution dated 8th September 1977, which came into force from 15th October 1977. As per the Revised Development Plan of Kolhapur, the land bearing R.S. No. 625/1 & 2 of Kasaba Karveer is affected by reservations of High-School and Play Ground (Site No.323) and Green Belt (Side No. 324). The Respondent No.4-Corporation vide Resolution No. 828 dated 19th September 1986 have resolved to initiate minor modification under Section 37 of the Maharashtra Regional Town Planning Act, 1966 (M.R.T.P Act), to shift the reservation Site No. 323 (High-School and Play ground) to its southern side and to delete the said land from reservation. Thereafter, Respondent No.1 published a Notification dated 14th September 1988 stating that the Government of Maharashtra sanctions the said modification in the above said Development Plan with note – “Site No. 323 reserved for High School and Play Ground shall be shifted towards southern side and the land on northern side of reservation

bearing R.S. No. 625 part, 626 part and 627 part of Kasaba Karveer is released from reservation and included in residential zone as shown by green on part Plan No. K/June/136/1988”.

4. The Tahsildar Karveer has conveyed the valuation of the said land to the Respondent No.3 i.e. Assistant Director, Town Planning, Kolhapur on 7th March 1989. After following the procedure as per the provisions of the M.R.T.P. Act, the Second Revised Development Plan of Kolhapur Municipal Corporation is sanctioned by the Urban Development vide Notification dated 18th December 1999, which came into effect on 1st February 2000 and excluded part is sanctioned by a Notification dated 25th January 2001, which came into effect from 15th March 2001. As per the Second Revised Development Plan, Zone Certificate was issued by the Respondent-Corporation to Mr. Mukund More, one of the member of the proposed society by a letter dated 8th May 2013 and to the Petitioner's late father on 3rd April 2002.

5. The Petitioner wrote a letter to the Chairman, Standing Committee of Kolhapur Municipal Corporation on 3rd February 2014 with regard to the implementation of the said minor modification approved by the Respondent No.1. The Respondent No.1 has called a report from the Respondent-Corporation and Respondent No.2 by a letter dated 28th February 2016.

6. Now, since the Second Revised Development Plan (1999) is in existence, it is the stand of the State Government that in view of the Second Revised Development Plan, which is of 1999, the same has been implemented, therefore the modification proposal sent by the Respondent No.1 in respect of R.S. No. 625/1-2 vide Notification dated 14th September 1988 has lapsed. Also considering the long period from 1988 to 2025 which is almost 37 years, now the site situation, boundaries, area of reservations and need of social amenities in the surrounding area might have been changed. It is therefore the stand of the State Government that the Respondent No.4 as a Planning Authority may initiate the fresh modification proposal as per the site situation under Section 37(1) of the said Act and after completion of all required formalities, the Respondent No.4 to submit the said minor modification proposal to the Respondent No.1 for its sanction. It is the stand of the Respondent No.1 that the Respondent No.1 shall scrutinize the said modification proposal on merits and take a decision as per the provisions of Section 37(2) of the said Act.

7. Accordingly, the Respondent No.4-Corporation shall submit a fresh modification proposal after completing all the necessary formalities within a period of eight weeks from today to the Respondent No.1. The Respondent No.1 to scrutinize the said modification proposal on merits

and take a decision thereon, as per the provisions of Section 37(2) of the said Act within a period of six months therefrom, from the date of receipt of the proposal.

8. It is the contention of the learned counsel for the Petitioner that already the State Government had sanctioned the modification earlier and therefore there should be no hesitation on the part of the Respondent No.4-Corporation in submitting the proposal favourable to the Petitioner. However, these are matters which obviously will be considered by the State Government while taking a final decision as per the provisions of Section 37(2) of the said Act.

9. The Petition is disposed off in the above terms.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

OMKAR
SHIVAHAR
KUMBHAKARN
Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2025.09.25
20:35:30
+0530