



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 WRIT PETITION NO. 2002 OF 2026

Dnyaneshwar Ananda Bhamre

VERSUS

The State Of Maharashtra Through Its Secretary And Others

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Mr. Ajeet B. Kale h/f Mr. Durgesh M. Pingale - Advocate for the
Petitioner

Mr. A. B. Girase, GP for the State

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CORAM : SMT. VIBHA KANKANWADI
AND
HITEN S. VENEGAVKAR, JJ.

DATED : 06TH APRIL, 2026

ORAL ORDER [*Per* Hiten S. Venegavkar, J.] : -

1. Heard the learned Advocate for the Petitioner.
2. The present petition has been filed seeking directions to Respondent No. 3, the Chief Officer of the Dondaicha-Varwade Municipal Council, to treat the revised layout tentative permission proposal in respect of Petitioner's land Gut No. 105/2-B-1A submitted on 19.01.2025 through BPMS Portal as deemed to have been granted in terms of Section 45(5) of the Maharashtra Regional and Town Planning Act, 1966 [hereinafter referred to as 'MRTP Act'].
3. It is the case of the Petitioner that the proposal for permission for a revised layout tentative permission was submitted to

the Municipal Council, and the said proposal, according to him, has not been decided by Respondent No. 3 within the statutory period of sixty (60) days. Therefore, according to the Petitioner, there is deemed permission in his favour. However, it is his contention that, for the purpose of further development, there has to be a written permission or a declaration that the proposal has been accepted and permission has been granted. According to him, since the application has neither been rejected nor approved, it is still pending. He further submits that, as the application remained pending beyond the period of sixty days, he approached the State Government by way of a representation seeking directions that the permission sought by him be granted by Respondent No.3.

4. However, by a communication dated 03.09.2025, the State Government held that, since the proposal had been re-assigned by Respondent No. 3, it could not be treated as deemed permission under Section 45 of the MRTP Act. The State Government also kept open an option for the Petitioner to re-submit the proposal, in which case Respondent No. 3 was directed to decide the same in accordance with the provisions of the MRTP Act within a period of seven (7) days from the date of re-submission.

5. As regards the contention of the Petitioner that there is deemed permission in his favour due to the failure of Respondent No. 3

to take a decision on his proposal within a period of sixty days from the date of application, we are afraid that, in writ jurisdiction, a declaration of such a nature cannot be granted. When this aspect was made clear to the Petitioner, he submitted that he is ready to abide by clause 2 of the order dated 03.09.2025 and will re-submit the proposal to the office of Respondent No. 3.

6. Though at this stage notice has not been issued to Respondent No. 3, for the limited purpose, we think it appropriate that, without going into the merits of the petition, in the event the Petitioner re-submits the proposal for revised layout tentative permission in respect of his land to the office of Respondent No. 3, Respondent No. 3 shall consider the said proposal in accordance with law and in terms of the directions issued in the order dated 03.09.2025, and in any case within a period of fifteen (15) days from the date of such re-submission.

7. In view of the above, the Writ Petition stands disposed of. There shall be no order as to costs.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE