

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 7228 OF 2013

Dr. Suresh s/o Pandit Borule

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. A.D. Shinde, advocate for petitioner.

Mr. S.G. Karlekar, AGP for the State.

Mr. S.V. Gunale, advocate holding for Mr. V.D. Gunale, advocate for respondent no. 4.

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CORAM : R.M. BORDE &

P. R. BORA, JJ.

DATE : 15th JUNE, 2015

PER COURT :

1. It is not disputed that the land is earmarked in the development plan for Agriculture Produce and Market Committee. Respondent no. 5 - APMC, is as such an appropriate authority within meaning of section 2(3) of the MRTP Act. Grievance of petitioner is that inspite of reservation of the property in the final development plan for a period of more than ten years and, even after issuance of notice by petitioner for release of the property, no steps have been taken by respondents. It is further pointed out that notice as contemplated under section 127 of the MRTP Act has not been issued to the appropriate authority. In this view of the matter, petitioner seeks leave to tender notice to respondent no. 5 within contemplation of section 127 of MRTP Act and does not propose to press the relief claimed in the instant petition.

2. In view of above, with liberty to petitioner to issue notice to the appropriate authority i.e. respondent no. 5 herein and with further liberty to approach this Court, in case of accrual of cause of action, writ petition stands disposed of.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

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