

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

**WRIT PETITION NO.9897 of 2014**

1. Padma Shivchandra Mundada,  
Age 76 years, Occ: Household,
2. Sunil Shivchandra Mundada,  
Age 52 years, Occ: Business.
3. Subodh Shivchandra Mundada,  
Age 50 years, Occ: Business.
4. Girish Shivchandra Mundada,  
Age 49 years, Occ: Business.

All r/o "Saket" Dhudhsagar Road,  
Chalisgaon, Tal.Chalisgaon,  
Dist. Jalgaon.

**...PETITIONERS**

**VERSUS**

1. The State of Maharashtra,  
Through its Secretary,  
Urban Development Department,  
Mantralaya, Mumbai-32.
2. The Director of Town Planning,  
Maharashtra State, Pune.
3. The Deputy Director of Town Planning,  
Nashik Division, Nashik.
4. The Chief Officer, Municipal Council,  
Chalisgaon, Tq. Chalisgaon,  
Dist. Jalgaon.

**...RESPONDENTS**

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Mr.D.M.Pingale, Advocate for petitioners.  
Mrs. A.V.Gondhalekar, AGP for respondent State.  
Mr. V.R.Dhorde, Adv., for respondent no.4.

**WITH****WRIT PETITION NO.10083 OF 2014**

1. Ghanshyam Dwarkalal Dayma,  
Age 55 years, Occ: Business,  
r/o Prabhat Galli, Ghat Road,  
Chalisgaon, Tal.Jalgaon.
2. Pavan Shriram Bang,  
Age 47 years, Occ: Business.
3. Anil Shriram Bang,  
Age 45 years, Occ: Business.
4. Sau.Suman Shriram Bang,  
Age 40 years, Occ: Household.
5. Sau.Manjushree Sunil Bang,  
Age 41 years, Occ: Household.
6. Sunil Shriram Bang,  
Age 48 years, Occ: Business.
7. Nalin Rameshchandra Chandak  
Age 50 years, Occ: business  
  
Petitioners No.2 to 7 r/o 458,  
Tilak Chowk (Gadhi), Chalisgaon,  
Dist. Jalgaon.
8. Dinesh Pannalal Desarda  
Age 52 years, Occ: Business  
r/o Near Mahakali Workshop,  
Hirapur Road, Chalisgaon,  
Tal.Chalisgaon,  
Dist. Jalgaon.

**...PETITIONERS****VERSUS**

1. The State of Maharashtra,  
Through its Secretary,  
Urban Development Department,  
Mantralaya, Mumbai-32.

2. The Director of Town Planning,  
Maharashtra State, Pune.
3. The Deputy Director of Town Planning,  
Nashik Division, Nashik.
4. The Chief Officer, Municipal Council,  
Chalisgaon, Tq. Chalisgaon,  
Dist. Jalgaon.

**...RESPONDENTS**

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Mr. Ajeet B. Kale, Advocate for petitioners.  
Mrs. V.A. Shinde AGP for respondent State.  
Mr. V.R. Dhorde, Adv., for respondent no.4.

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**CORAM: R.M.BORDE  
AND  
SUNIL P.DESHMUKH, JJ.**

**DATE : February 4th, 2015.**

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**PER COURT: (Per R.M.Borde, J.)**

1. Heard. Rule. Rule made returnable and heard forthwith with the consent of learned Counsel for the parties.

2. (a) In Writ Petition No.9897/2014 the petitioners are owners and possessors of land bearing Survey No.362/2B 1 (Part), 1 H. 44 R. total land situated at Chalisgaon, dist. Jalgaon, to the extent of 1813.43 Sq.Mtrs.

(b) In Writ Petition No.10083/2014, the petitioners are owners and possessors of land bearing Survey No.362/2B/2/1 admeasuring 81 R. land situated at Chalisgaon, dist. Jalgaon.

(c) Both the above mentioned properties have been reserved under Final Development Plan prepared by Chalisgaon Municipal Council, being Reservation No.99, for public purpose i.e. a playground.

(d) The Final Development Plan has been published in the year 1989.

(e) The petitioners in WP Nos. 9897/2014 and 10083/2014, issued notices dated 19/7/2013 and 13/4/2013, respectively, as contemplated under Section 127 of the M.R.T.P. Act calling upon the Planning Authority either to acquire the property under reservation within the time stipulated under Section 127 of the Act, or to release the same, or in the event of failure, the property shall be deemed to have been released from reservation, allotment or designation, as provided under the relevant Final Development Plan.

3. For the reasons recorded while disposing of Writ Petition No.9896/2014, these two writ petitions are also allowed. Reservation, allotment or designation specified in the development plan in respect of land belonging to the petitioners shall be deemed to have come to an end and the land shall be deemed to have become available to the owner for the purpose of development or otherwise permissible in law of adjacent land under relevant plan.

4. The Respondents are directed to issue notification as contemplated by Section 127(2) of the M.R.T.P. Act, as expeditiously as possible, preferably within a period of six months from today.

5. Rule is accordingly made absolute. There shall be no order as to costs.

**(SUNIL P.DESHMUKH)**  
**JUDGE**

**(R.M.BORDE)**  
**JUDGE**

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