

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 63 OF 2015

Smt.Sushmita W/o Naresh Kochar

-vs-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Anand Parchure, counsel for the petitioner.
Ms N. P Mehta, A.G.P for the respondent Nos.1 and 2.
Mr. P N. Kothari, counsel for the respondent Nos.3 and 4.

CORAM : SMT. VASANTI A. NAIK &
A. I. S. CHEEMA, JJ.

DATE : 01.09.2015.

By this petition, the petitioner has sought a declaration that the reservation of the land of the petitioner for park has lapsed in view of the provisions of Section 127 of the Maharashtra Regional and Town Planning Act, 1966, inasmuch as the respondents have not initiated any steps to acquire the land within a period of one year from the date of the service of the purchase notice.

The learned counsel for the respondents state that before the purchase notice was served on the respondents, the concerned respondents had issued the notification under Section 6 of the Land Acquisition Act and the acquiring body has deposited 2/3rd of the compensation amount before the Land Acquisition Officer. It is stated that in the circumstances of the case, there could be no lapsing of reservation.

Shri Parchure, the learned counsel for the petitioner, states that the petitioner did not have any knowledge of the notification issued by the respondents under Section 6 of the Land Acquisition Act, 1894 and no notice has been received by the petitioner under Section 9 of the Land Acquisition Act. It is stated that the petitioner would take appropriate proceedings for

challenging the action on the part of the respondents of issuance of notification under Section 6 of the Land Acquisition Act and taking further steps in furtherance thereof.

Since the cause for filing the writ petition would not survive, in view of the issuance of the notification under Section 6 of the Land Acquisition Act even before the receipt of the purchase notice by the concerned respondents, we dispose of the writ petition. The petitioner is free to take appropriate proceedings for challenging the action of the respondents for the acquisition of land, in accordance with law.

Order accordingly. No costs.

JUDGE

JUDGE