

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2469 /2015

(Sau. Harsha w/o Trilochan Kharbade and others vs. Union of India and others)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Mr. A.S.Ambatkar, Advocate for the petitioners
Mr.Zahid Shekhani, h/for Mr R.G.Agrawal, Adv.for respondent nos.1&2
Mr. R.O. Chhabra, Adv.for Respondent no.3/NIT
Mr. N.R.Rode, AGP for Respondent No.4

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

DATED : 2nd September, 2015.

Heard.

By this petition, the petitioners seek a declaration that lands of the petitioners stand deleted from Reservation No. S-243, from the final Development Plan of Nagpur city. The petitioners seek a direction to the respondent nos. 3 and 4 to issue a notification in respect of the de-reservation.

The lands of the petitioners were earmarked for the Railways as per the final Development Plan for Nagpur city, published on 7.1.2000. As no steps were initiated by the concerned-respondents for acquisition of the land, the petitioners served the purchase notice on the concerned respondents. According to the petitioners, the respondents have not taken any effective steps within a period a period of one year

from the receipt of the purchase notice and hence the land of the petitioners stands de-reserved due to lapsing of reservation, under Section 127 of the Maharashtra Regional and Town Planning Act.

It is stated on behalf of the Railways by the learned counsel Mr. Zahid Shekhani that that lands of the petitioners are not required by the Railways and they could be deleted from Reservation No. S-243.

Since the lands of the petitioners are not required by the Railways, the same need to be deleted from Reservation No.S-243, from the Development Plan of Nagpur city.

Hence, the Writ Petition is allowed. The reservation of the lands of the petitioners under Reservation No.S-243 for Railways, stand deleted. As the lands are not required by the Railways the petitioners are free to develop their land as is permissible to the adjacent land owners, as per the Development Plan of Nagpur city. An appropriate notification shall be issued within a reasonable time.

Order accordingly. No costs.

JUDGE

JUDGE

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