

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

WRIT PETITION NO.3315 OF 2014

Gopal Narayandasji Panpalia and others

-vs-

The 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.G.K.Mundhada, counsel for the petitioners.
Mr.N.S.Rao, AGP for the respondent Nos.1 and 4.
Mr. S.J.Kadu, counsel for the respondent Nos.2 and 3.

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 22.04.2015.

By this petition, the petitioners seek a declaration that the reservation of the land of the petitioners for open space vide reservation Site No.452 has lapsed under Section 127 (1) of the Maharashtra Regional and Town Planning Act, 1966 and that the petitioners are free to develop the land owned by them in the manner permissible to the adjacent landholders as per the development plan.

In view of the admitted facts involved in this case, it would be necessary to grant the declaration sought by the petitioners. Admittedly, the final development plan was published on 25/02/1993 and since no acquisition or development was made by the concerned respondents, the purchase notice was issued by the petitioners to the respondents on 08/01/2013. On the receipt of the purchase notice dated 08/01/2013, the respondent Nos.2 and 3 sent a proposal for acquisition of the land to the Collector on 09/10/2013. Admittedly, except sending the proposal to the

Collector, no further steps were taken in the matter and the Section 6 Notification was not issued. As the Section 6 Notification was not issued, the effective steps as required by the provisions of Section 127 of the Act of 1966 were not initiated by the concerned respondent within a period of one year from the receipt of purchase notice dated 08/01/2013. In view of the provisions of Section 127 of the Act of 1966, since no effective steps were taken within a period of one year from the receipt of the purchase notice, the reservation of the land owned by the petitioners as per reservation Site No.452 would lapse.

Hence, for the reasons aforesaid, the writ petition is allowed. It is hereby declared that the reservation of land owned by the petitioner and reserved vide Site No.452 from Survey No.60/2B stands lapsed under Section 127 (1) of the Act of 1966 and the petitioners are free to develop the land owned by them in the manner permissible to the adjacent landholders.

Order accordingly. No costs.

JUDGE

JUDGE