

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

WRIT PETITION NO. 1572 OF 2011

1] Moij Ahmed s/o Abdul Raheman
Age 53 years, Occ-Agri & Business
R/o Station Road, Basmat
Dist.Hingoli.

2] Haji Abdul Sattar s/o Abdul Rahim
Age 51 years, Occ-Business
R/o Kazipura, Basmat
Dist.Hingoli.

... PETITIONERS

Versus

1] The State of Maharashtra
Copy to be served on Secretary
of Town Planning Dept.
Mantralaya, Mumbai
Through Govt.Pleader
In the High Court of Bombay
Bench at Aurangabad.

2] Director of Town Planning
Pune.

3] The Collector, Hingoli

Dist.Hingoli

4] Municipal Council
Basmatnagar through its
Chief Officer, R/o Basmatnagar
Dist.Hingoli

.. RESPONDENTS

...

Mr.Milind M. Patil (Beedkar) Adv. For petitioners

Mr.S.N.Morampalle,AGP for respondent State

Mr.Hamzakhan Pathan Adv. For Respondent no.4

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**CORAM : S.V.GANGAPURWALA &
A.M.BADAR,JJ.**

DATED : 16TH FEBRUARY,2016

ORAL JUDGMENT : (PER S.V.GANGAPURWALA,J.) :-

Mr.Patil, learned counsel for petitioners submits that the petitioners had issued notice u/s 127 of the Maharashtra Regional Town Planning Act, 1966 on 13/1/2002. No steps for acquisition were taken within period of six months. As such, in view of the judgment of the Apex Court in the case of **Girnar Traders V/s State of Maharashtra and others reported in (2011)3 SCC 1**, the reservation stands lapsed. Mr.Pathan, learned counsel for the Municipal Council submits that the Revised Development Plan was sanctioned in the year 2000. The notice is issued just two years after sanction of the Revised Development Plan. The petitioner was required to wait for ten years. The learned counsel relied on the

judgment of the Apex Court in the case of **Prafulla C. Dave and others V/s Municipal Commissioner and others reported in AIR 2015 S.C.426.**

2] We have considered the submissions. It is not disputed that the Revised Development Plan was sanctioned and came into force in 2000. Notice is issued on 13/1/2002. In view of the judgment of the Apex court in the case of Prafulla cited supra, reservation has not lapsed. In case petitioner has given any notice after the year 2010, then the same could have been considered.

3] In light of the above, case of the petitioner cannot be considered. Writ Petition is disposed of. Rule discharged. No costs.

4] Needless to state the petitioner is at liberty to take such steps as are permissible in law.

(A.M.BADAR,J.)

(S.V.GANGAPURWALA,J.)

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