

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

WRIT PETITION NO. 5113 OF 2013

Atul Ashok Mundade & Ors.

Petitioners..

VERSUS

The State of Maharashtra & Ors.

Respondents..

.....
Mr Vijay B. Patil, Advocate for the petitioners
Mr A. G. Magare, AGP for respondent/State
Mr V. D. Gunale, Advocate for respondent No. 3
.....

CORAM : **A. V. NIRGUDE &
V. L. ACHLIYA, JJ.**

DATE : 12TH APRIL, 2016.

PER COURT:

. This petition seeks declaration under Section 127 of the Maharashtra Regional Town Planning Act, that the petitioners' land stood de-reserved for the failure of the respondents to acquire the same within 10 years from the date of declaration of final development plan. According to the petitioners, the development plan for Jalgaon city was finalized on 11.02.2002 and same was published. In this plan, the petitioners' land was shown reserved for certain public purpose. The petitioners waited for the authorities to acquire the land but in vain.

After 10 years i.e. 13.02.2012 and 02.03.2012, the petitioners sent purchases notices to the authorities but they did not take any steps. Thereafter, this petition was filed for the relief as mentioned herein above.

2. In reply, the respondents contended that the development plan for the city was not finalized on 11.02.2002, but was on 07.04.2002 and, therefore, they contended that, purchase notices were premature. The fact that, the development plan came into force on 07.04.2002 is not denied. Therefore, the notices were premature. The petition should therefore fail and same stands dismissed.

3. The petitioners are at liberty to take steps as provided under Section 127 of the Maharashtra Regional Town Planning Act, by sending fresh notice to the respondent-authorities.

[V. L. ACHLIYA, J.]

[A. V. NIRGUDE, J.]