

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

WRIT PETITION NO. 7455 OF 2012

Shri Rajendra s/o Ravichandra Bhavsar
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. A.G. Magare, advocate for petitioners.

Mr. V.M. Kagne, AGP for the State.

Mr. Y.B. Bolkar, advocate holding for Mr. A.B. Girase, advocate for respondent no. 5.

=====

CORAM : R.M. BORDE &

A.I.S. CHEEMA, JJ.

DATE : 12th JANUARY, 2016.

PER COURT :

1. Petitioner is seeking issuance of declaration that by virtue of failure by respondents to acquire the property under the reservation within the time stipulated in the notice issued under section 127 of the MRTP Act, 1966, reservation, allotment or designation made in the final development plan in respect of the property belonging to petitioner shall be deemed to have lapsed.

2. Affidavit-in-reply has been presented on behalf of respondents 1 to 3 wherein it has been stated that acquisition proceedings were initiated in respect of the subject land and the award has also been declared long back and the amount of compensation has been deposited with the Land Acquisition Officer. However, due to pending litigation, the possession of the

subject land was not handed over to respondent no. 5. It is also contended that infact, there was no notice issued within contemplation of section 127 of the MRTP Act and as such, there arises no question of issuance of declaration as prayed by petitioner.

3. In view of the fact that award in respect of subject property has already been declared on 30.11.1993, the grievance raised by petitioner in the instant petition does not deserve consideration. Writ petition is devoid of substance hence stands rejected.

(A.I.S. CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE

dyb