

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3815 OF 2015
(Vikas Damodhar Padhye vs. State of Maharashtra and others)

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

None for the petitioner.

Ms. T. Khan, Assistant Government Pleader for the
respondent nos.1 and 4.

Shri J.B. Kasat, Advocate for the respondent no.3.

CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.

DATED : SEPTEMBER 28, 2016

By this writ petition, the petitioner seeks a declaration that the reservation of the land of the petitioner in Survey No.183 of Mouza Badnera, admeasuring 1 hectare 7 R for vegetable market, has lapsed in view of the provisions of Section 127 of the Maharashtra Regional and Town Planning Act, 1966.

It is the case of the petitioner that though the petitioner had served a notice under Section 127 of the Act on the respondent nos.3 and 4 on 24/1/2014, the respondents have not taken any effective steps within a period of one year from the date of service of notice. According to the petitioner, since effective steps are not taken by the respondent no.3 as required by the provisions of Section 127 of the Act within one year and since no notification under Section 6 of the Land Acquisition Act, 1894 is issued, there would be lapsing of the reservation.

Shri Kasat, the learned Counsel for the respondent no.3, states that the effective steps were taken by the respondent no.3 within a period of one year and the Section 6 notification was published in the official gazette on 23/1/2015. It is stated that since the notice was said to have been served on the respondent no.3 on 24/1/2014 and since the notification is issued on 23/1/2015, there would be no lapsing of reservation. The learned Counsel has tendered a copy of the notification for perusal of this Court. The same is accepted on record.

It is clear from the statements made on behalf of the respondent no.3 that there would be no lapsing of the reservation under the provisions of Section 127 of the Act of 1966 since effective steps are taken by the respondent no.3 by issuing the notification under Section 6 of the Land Acquisition Act, 1894 on 23/1/2015, i.e. within one year from the date of service of the notice on the respondent no.3, i.e. 24/1/2014.

As the petitioner has not made out any case for grant of the declaration, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

khj

CERTIFICATE

I certify that this order uploaded is a true
and correct copy of original signed order.

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Kamal H. Jeswani
Private Secretary

Uploaded on :

30/9/2016