

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

WRIT PETITION NO. 3503 OF 2015
(Shekhar Gangadhar Daterao 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.

Shri Vaishnav, Advocate for petitioner.

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

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

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

DATED : SEPTEMBER 7, 2016

By this writ petition, the petitioner seeks a declaration that the reservation of his land for Library vide reservation no.267 has lapsed under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 and that he is free to develop the land in the manner permissible to the adjacent land as per the relevant development plan.

The petitioner is the owner of land that was reserved for Library vide reservation no. 267 by the final development plan that was published on 25/3/1993. Since no steps were initiated for the acquisition of land within a period of ten years as per provisions of the Act of 1966, the petitioner served a purchase notice on the respondent Municipal Corporation on 5/3/2014. According to the petitioner, no effective steps are taken for the acquisition of land within a period of 12 months from the service of notice and hence, the petitioner has

prayed for the aforesaid declaration.

Ms. Khan, learned Assistant Government Pleader appearing for the respondent nos.1 and 4 and Shri Kasat, learned Counsel for the respondent no.3, have opposed the prayer made in the writ petition. It is stated that even as per the assertion of the petitioner, the purchase notice was served on the respondent Corporation on 5/3/2014. It is stated that a notification under Section 6 of the Land Acquisition Act, 1894 was published by the State Government in respect of the land of the petitioner on 12/2/2015. It is stated that since the effective step of issuance of notification under Section 6 of the Land Acquisition Act, 1894 was taken within a period of 12 months, the writ petition is liable to be dismissed. The learned Assistant Government Pleader has relied on the copy of Section 6 notification published on 12/2/2015.

On hearing the learned Counsel for the respondents, it appears that the writ petition is liable to be dismissed. Even according to the petitioner, the notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 was served on the respondent no.3 on 5/3/2014. Within a period of 12 months from the service of notice, the State Government has published the Section 6 notification in respect of the land of the petitioner. Since effective steps were taken by the respondents for acquiring the land of the petitioner within a period of 12 months from the date of service of notice, the writ petition is liable to be dismissed.

Hence, 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 :

14/9/2016