

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4292 OF 2015

Purushottam Jethmalji Maheshwari

-vs-

State of Maharashtra, thr.its Secretary, Urban Development Deptt.and others

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

Court's or Judge's Orders.

Mr. A.M.Kukday & A.A.Pande, counsel for the petitioner.

Mr. Amit Chutake, AGP for the respondent Nos.1 & 6.

Mr. G.R.Kothari, counsel h/f Mr. V.R.Choudhari, counsel for the respondent No.3.

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

DATE : 21.09.2016.

The petitioner has sought a direction against the State Government to issue the formal notification in respect of the de-reservation of the land of the petitioner to the extent of 00.71 hectares in Survey No.2/1 in Mouza Umarkhed.

According to the learned counsel for the petitioner, though this Court had, by an order, dated 22/07/2011 in Writ Petition No.1106 of 2011 (Purushottam Jethmalji Maheshwari v. State of Maharashtra and others), declared that the reservation of the aforesaid land of the petitioner for primary school had lapsed in view of the provisions of Section 127 of the Maharashtra Regional and Town Planning Act, the State Government is not issuing a formal notification in respect of de-reservation of the land. It is stated that in the absence of a formal notification, the petitioner is not able to secure the necessary permission for the conversion of the land to non-agricultural use.

Shri Chutake, the learned Assistant Government Pleader appearing on behalf of the respondent Nos.1 and 6, states on instructions that on 29/04/2016, the State Government has issued a

notification in respect of the de-reservation of the land of the petitioner for primary school, in pursuance of the order, dated 22/07/2011, in Writ Petition No.1106 of 2011. It is stated that in view of the issuance of the notification, dated 29/04/2016, the grievance of the petitioner should stand redressed.

By accepting the statement made on behalf of the State Government that would be binding on the respondent Nos.1 and 3, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE

C E R T I F I C A T E

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

Uploaded by : G.S.Khunte,
P.A.to Hon'ble Judge

Uploaded on : 23/09/2016