

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

WRIT PETITION NO. 4304 OF 2015

(Sau. Lalita Satyanarayan Khandelwal vs. The State of Maharashtra thr. Secretary, Urban Development Department & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.
JULY 18, 2016.**

Heard Shri G.K. Mundhada, learned counsel for the petitioner, Shri I.J. Damle, learned AGP for respondent Nos. 1 & 4 and Shri Saoji, learned counsel for respondent Nos. 2 & 3.

The service of a valid notice under Section 127(1) of the Maharashtra Regional Town Planning Act, 1966, expiry of waiting period of one year thereafter, are the facts not in dispute.

Respondent Nos. 2 & 3 have come with a defence that for want of funds, they are not in a position to acquire the land.

As steps leading to acquisition have not been initiated within a period of one year from 20.05.2014, it is apparent that Reservation lapses. The law in this respect is laid down by the Hon'ble Apex Court in the case of Shrirampur Municipal Council, Shrirampur vs. Satyabhamabai Bhimaji Dawkher & Ors., reported at (2013) 5 SCC 627 and State of Maharashtra vs. Bhakti Vedanta Book Trust & Ors., reported at (2013) 4 SCC 676.

In this situation, following these judgments, we declare that the reservation on the petitioner's land survey Nos. 25/3, 25/4, 25/5, admeasuring 3 Hectare and 29.5 R at Mouza – Mhasla, Pragane Nandgaonpeth, Amravati, vide Reservation No. 127 for park has lapsed and that land is now available for its development, for the purpose for which adjacent land can be developed.

Writ Petition is thus allowed and disposed of. However, in the facts and circumstances of the case, there shall be no order as to costs.

JUDGE

JUDGE

*GS.

CERTIFICATE

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

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