

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

WRIT PETITION NO.4305 OF 2015

Smt. Pushpadevi Navalkumar Bhoot

..vs..

**The State of Maharashtra, through the Secretary, Urban Development Department,
Mantralaya, Mumbai and ors**

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

Court's or Judge's Order

Shri G.K. Mundada, counsel for the petitioner.
Mrs. Prajakta Hande, counsel for R-2.
Shri B.M. Lonare, AGP for R-1, 3 & 4.

**CORAM : B.P. DHARMADHIKARI &
KUM. I.K. JAIN, JJ.**

DATED : JUNE 17, 2016.

Service of valid notice under Section 127(1) of the Maharashtra Regional & Town Planning Act, 1966 upon respondent No.2-Municipal Council expiry of period of one year thereafter, are the facts which are not in dispute. Respondent No.2-Municipal Council has filed reply-affidavit submitting that because of financial constraints, it is not in a position to acquire reserved land. It could not, therefore, initiate steps for acquisition.

In this situation, in the light of the judgments of the Honourable Apex Court in cases of **Shrirampur Municipal Council, Shrirampur ..vs.. Satyabhamabai Bhimaji Dawkher and others** reported at **{(2013) 5 SCC 627}**; and **State of Maharashtra ..vs.. Bhakti Vedanta Book Trust and others** **(2013) 4 SCC 676**), we find that reservation on land, Survey

No.223, 2237/1 vide Reservation No.33, has lapsed and that land has become available to the petitioner for its development for the purpose to which adjacent land can be developed.

Writ petition is thus allowed and disposed of.

JUDGE

JUDGE

!! BRW !!

...../-