

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

WRIT PETITION NO.4434 OF 2015

Sudhir S/o Narayan Shastri and ors

..vs..

**The State of Maharashtra, through its Secretary, Rural Development Department,
Mantralaya, Mumbai-32 and ors**

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

Court's or Judge's Order

Shri Anand Parchure, counsel for the petitioners.
Shri M.V. Samarth, counsel for R-2.
Mrs.Mugdha Chandurkar, counsel for R-6.
Mrs. A.R. Kulkarni, AGP for R-1 & 4.

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

DATED : AUGUST 8, 2016.

Heard.

Service of valid notice under Section 127 of the Maharashtra Regional & Town Planning Act, 1966 and expiry of period of one year after its service, is not in dispute. It is also not in dispute that planning authority for subject land is the Nagpur Improvement Trust. However, by way of abundant precaution, notices have also been served upon respondent No.3-Nagpur Municipal Corporation and respondent No.5-Maharashtra Airport Development Company. None of the authorities has taken any steps within a stipulated time leading to acquisition of said land.

It is not in dispute that as per development

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plan, the said land is reserved for respondent No.6-Central Reserve Police Force. Respondent No.6 has filed the reply before this Court and placed it on record that it does not lead that land.

Submission of learned counsel Shri M.V. Samarth for respondent No.2-Nagpur Improvement Trust, in this backdrop is, this communication of respondent No.6-Central Reserve Police Force must be placed before the Nagpur Improvement Trust so as to enable it to process it further for deletion of reservation.

We find no substance in the said contention. Deletion of reservation can take place if respondent No.2-Nagpur Improvement Trust seeks it. The petitioner has already given a valid notice and in view of noted above, the reservation has already lapsed.

The issue is covered in the 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). Hence, following the said law, we make the Rule absolute in terms of prayer clause 1 of the writ petition.

Needless to mention that prayer clause 2 of the writ petition cannot be considered at this stage. Hence, all contentions, in relation thereto, are kept

open for due evaluation, at appropriate juncture. The writ petition is partly allowed and disposed of. No costs.

JUDGE

JUDGE

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C E R T I F I C A T E

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

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on : - 09/08/2016

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