

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

952 WRIT PETITION NO. 6641 OF 2016

SHAKIL AHMED MOHAMMAD AFSAR ANSARI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Brahme Shailesh P.
AGP for Respondents/State : Mr. P.S. Patil
Advocate for Respondents : Mr. J.R. Shah for R/2.
...

**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**
DATE : 06.09.2017

P.C. :-

. Mr. Brahme, the learned counsel for the petitioner submits that the land of the petitioner bearing survey no. 51/2 is reserved in the development plan. On or about 13.04.2015, notice under Section 127 of the Maharashtra Regional Town Planning Act, 1996 was issued, no notification is issued within a period of one year, as such, the reservation stands lapsed.

2. Mr. Shah, the learned counsel submits that the development plan for the additional area came into effect from 11.09.2006, as such, ten years lapsed only on 10.09.2016. The notice issued by the petitioner under Section 127 of the M.R.T.P. Act on 13.04.2015 is pre-mature.

3. We have considered the submissions, it appears that, in view of the notification dated 25.07.2005, the final development plan for the additional area came into effect from 11.09.2006, ten years would lapse on 10.09.2016. As per amendment to Section 127 of the M.R.T.P. Act effectuated in August 2015 the person whose property is reserved can issue a purchase notice of twenty four months.

4. Considering the dates given, the notice of the petitioner was pre-mature. Even if we consider the case liberally still the case of the petitioner cannot be considered in view of the fact that when the cause of action would arise to the petitioner, at that time the petitioner was required to issue twenty four months notice, the said period would not lapse even today.

5. Considering the above, no relief can be granted to the petitioner. Writ petition, as such, is disposed of. No costs. The petitioner may take further steps, in view of Section 127 of the M.R.T.P. Act as is permissible.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]