

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

**CAW NO. 1146/2017 IN WRIT PETITION NO. 4434 OF 2015**

**(Sudhir s/o Narayan Shastri vs. State of Maharashtra thr. its Secretary, Rural Department & Ors.)**

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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 28, 2017.**

Heard Shri M. Anilkumar, learned counsel for the applicants, Shri Anand Parchure, learned counsel for the petitioner, Ms. A.R. Kulkarni, learned AGP for respondent Nos. 1 & 4, Shri J.B. Kasat, learned counsel for respondent No. 3 and Shri S.Y. Deopujari, learned counsel for respondent No. 5.

2. Writ Petition No. 4434 of 2015 filed by the person interested in developing subject land, for declaration of dereservation under Section 127(1) of the Maharashtra Regional & Town Planning Act, 1966, (hereinafter referred to as the Act) has been allowed by this Court on 08.08.2016. The present applicants claim to be joint members along with one Vijay Balani through whom the petitioner claimed title.

3. The submission is, after declaration of dereservation, the applicants cannot be legally roped in. Litigations have been filed against them in Consumer forum and Civil Suit filed by the applicants for cancellation of sale deeds allegedly executed at the instance of one Vijay Balani

and a Sai Kripa Bahunirman Vikas Sanstha is already pending.

4. The fact that the person who filed writ petition and is interested in developing land, could have given such a notice under Section 127(1) of the Act, is not in dispute. The reservation on entire land was for C.R.P.F. and, therefore, the Court cannot declare that it has lapsed only to the extent of interest of the petitioner. Accordingly, though the dispute inter se may not have been pointed out to this Court, it has got no bearing insofar as adjudication in writ petition is concerned.

5. If the present applicants cannot be legally reached by the persons who have filed litigation against them, appropriate defence can be raised by the applicants before the concerned authorities/ Courts. The order of this Court dated 08.08.2016 in Writ Petition No. 4434 of 2015 does not in any way prejudice their contentions.

6. We, therefore, find no case made out. Civil Application is accordingly disposed of. No costs.

**JUDGE**

**JUDGE**

\*GS.