

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

WRIT PETITION NO. 3852 OF 2016

(Prabhakar s/o Baliramji Chopade vs. The State of Maharashtra thr. its 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 &
MRS. SWAPNA JOSHI, JJ.
FEBRUARY 13, 2017.**

Shri A.R. Ingole, learned counsel for the petitioner Ms. Ritu Kaliya, learned AGP for respondent Nos. 1 to 4 and Shri M.G. Rathi, learned counsel for respondent No. 5.

2. Perused the reply affidavit filed by Respondent No. 5.

3. Service of a valid notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966, (hereinafter referred to as MRTP Act), lapsing of waiting period of one year after its service, are the facts not in dispute. The Planning Authority viz. Respondent No. 5 has not initiated any steps for acquiring that land.

4. In reply affidavit, its Chief Officer – Sumedh Ishwardas Alone, has pointed out in para 3 that Reservation No. 10 in Development Plan for the purposes of Town Hall, Library and Shopping Complex is no more required. It is

mentioned that General Body has vide Resolution No. 5, passed on 21.02.2004 resolved to get said reservation deleted.

5. In view of these developments, it is apparent that Reservation is deemed to have lapsed under Section 127(1) of the MRTP Act on 13.11.2004 i.e. after expiry of period of one year from the date of service of notice upon Respondent No. 5.

6. Thus, we declare that Reservation No. 10 on 464.50 Square meter of land of Plot No. 2/6, Sheet No. 27, Mouza – Dhamangaon Railway, District – Amravati, has lapsed and that land has become available for its development as per user permitted on adjacent lands.

7. Writ Petition is thus partly allowed and disposed of. However, there shall be no order as to costs.

JUDGE

JUDGE

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