

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15130 OF 2017

Uday Ramchandra Bengali

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Ajeet B. Kale, Advocate for the Petitioner.

Shri P. S. Patil, Addl. G. P. for Respondent Nos. 1 to 4.

Shri Girish S. Rane, Advocate for Respondent No. 5.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVALA, JJ.

DATE : **25th April, 2018**

PER COURT :

1. The learned counsel for the petitioner states that, the land of the petitioner was reserved for the purpose of shopping complex in the Development Plan of Amalner, Tq. Amalner, Dist. Jalgaon. Notice u/s 127 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "MRTP Act") was issued on 20.12.1996. The same was served upon the respondent-Council on 20.12.1996. As no steps were taken, the petitioner filed Civil Suit bearing RCS No. 2/1998 seeking

declaration that the land stands released from the reservation. As no steps were taken for acquisition of the said land, the suit was decreed on 16.11.2011. The Government has not taken any steps for issuance of Notification u/s 127(2) of the MRTP Act.

2. Mr Rane, the learned counsel for respondent No. 5 submits that, it is for the State Government to issue notification under sub-section 2 of Section 127 of the MRTP Act. The learned counsels accepts that, the decree of the civil court in RCS No. 2/1998 has been accepted by the Municipal Council.

3. As no steps for acquisition have been taken within the period as stipulated u/s 127 of the MRTP Act, the Civil Court has declared that the land is released from the acquisition. The said declaration is given in the year 2011. Once the land is released u/s 127 of MRTP Act, notification under sub-section 2 of Section 127 of MRTP Act has to be issued by the State Government.

4. Considering the above, the respondent no. 1 shall issue the required notification under sub-section 2 of Section 127 of the

MRTP Act in respect of the land for which the decree dt. 16.11.2011 is passed in RCS No. 2/1998 within the period of six months.

5. Writ Petition is, accordingly, disposed of. No costs

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

marathe