

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2199 OF 2010

Mr.Mohd. Husain A. Hamid. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

Mr.R.D.Suryawanshi for the petitioner.

Mr.Manish M. Pabale, AGP for respondent Nos.1, 2, 4 and 5.

Mr.S.S.Patwardhan for respondent No.3.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 23rd April 2018.

P.C.:

Heard the learned counsel for the petitioner. The petitioner is seeking relief of lapsing of reservation imposed on subject property under the sanctioned revised development plan which came into force from 1st November 2006. A notice under section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short "MRTP Act") was issued on the basis of which this petition is filed on 6th May 2008. The petitioner has issued the said notice without waiting for completion of statutory period of ten

years provided under section 127 of the MRTP Act. Therefore, the said notice is premature and on the basis of premature notice, relief cannot be granted in this petition. Accordingly, the writ petition is not entertained and the same is rejected.

2. We, however, make it clear that it is always open to the petitioner to issue a fresh notice under section 127 of the MRTP Act.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)