

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6281 OF 2015

Dr. Sidharth Ramesh Shah. ..Petitioner.
Versus
State of Maharashtra & Others. ..Respondents.

Mr. S. S. Prabhune for the Petitioner.
Mr. V. N. sagare, AGP for the State.
Mr. S. R. Nargolkar for Respondent No. 7.

Coram : RANJIT MORE &
PRAKASH D. NAIK, JJ.
Date : **January 31, 2018.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. The petition is filed seeking declaration that reservation over the subject property, viz., Survey No.277/1/A/1 situated at Baramati, District-Pune stands lapsed in view of the provisions of section 127 of the Maharashtra Regional and Town Planning Act, 1966. The record reveals and the learned Counsel for the Petitioner does not dispute that revisional development plan for Baramati Municipal Council was sanctioned on 25th May 2012, the Petitioner, however, for the first time on 12th December 2012, gave purchase notice under section 127 of the MRTP Act. Thus, this notice was given after the sanction of revised development plan. The Petitioner's notice, in our view, is premature inasmuch as the same was given before the completion of statutory

period of 10 years.

2. Mr. Prabhune, the learned Counsel for the Petitioner heavily relied upon the decision of the Apex Court in Hasmukhrai V. Mehta v. State of Maharashtra [(2015)3 SCC 154] to contend that reservation on the citizen's property cannot be placed for indefinite time. Having gone through ratio of the said decision, we are of the opinion that same does not come to the rescue of Petitioner. In this case, development plan for Khopoli Municipal Council was published in the year 1977, the Petitioner gave notice under section 49 of MRTP Act on 17th August 2000 and thereafter revised development plan was sanctioned in the year March 2003. The facts of this case are distinguishable from the facts of the present case.

3. In the light of above, we find no merit in the writ petition and the same is dismissed.

[PRAKASH D. NAIK, J.]

[RANJIT MORE, J.]