

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**22 WRIT PETITION NO.3242 OF 2018**

KANAHAILAL PARSHARAM JAYSINGHANI  
AND OTHERS

..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sharad V. Natu, Advocate for the Petitioners.

Mr. S. K. Tambe, AGP for Respondents-State.

Mr. Manish V. Bhamre, Advocate for Respondent No.3.

...

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

**DATED : 10<sup>th</sup> APRIL, 2019.**

**PER COURT:-**

1. We have heard Mr. Natu, learned counsel for petitioners and Mr. Bhamre, learned counsel for the respondent no.3.

2. Mr. Natu, the learned counsel submits that the petitioners had issued notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 on 24.03.2015 and 02.01.2016. Though served with the notice no steps for acquisition has been initiated. The reservation stands lapsed.

3. Mr. Bhamre, learned counsel for respondents submits that the plan for the extended area came into effect in the year 2013 and

petitioners could not have issued purchase notice under Section 127 before lapse of 10 years.

4. It is not disputed by petitioners that the plan for the extended area came into effect in the year 2013 and the petitioners land is shown under reservation in the said development plan. In view of that the notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 is premature. The same cannot be considered.

5. Mr. Natu, learned counsel submits that right of the petitioner to issue notice under Section 49 be kept intact. The rights under Section 49 are available as per the situations innumerate in the said Section. In case, the petitioners are entitled to issue notice under Section 49, then petitioners are at liberty to take steps accordingly.

6. Writ Petition accordingly disposed of. No costs.

**(A. M. DHAVALA)**  
**JUDGE**

**(S. V. GANGAPURWALA)**  
**JUDGE**