

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

20 WRIT PETITION NO.12775 OF 2018
WITH CA/3408/2019

EKNATH APPAJI BAWAKE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. K.M. Nagarkar h/f. Kulkarni Smita S.

AGP for Respondents/State : Mr. S.B. Yawalkar

Advocate for R/5 : Mr. Hon Ashwin V.

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**CORAM : S.V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE : 05.12.2019

PC. :-

Mr. Nagarkar the learned counsel submits that the respondents should either acquire the writ land of the petitioners or de-reserve the land. The petitioners are not in a position to use the land for beneficial purpose.

2. According to the learned A.G.P the purchase notice issued by the petitioner under Section 49 is rejected by the Government. Modification of the plan can be upon the proposal of the planning authority.

3. The land of the petitioners it appears is under reservation. In that case the petitioners have a remedy of issuing notice under Section 127 of the Maharashtra Regional Town Planning Act, 1966. Upon lapse of 10 years of

the development plan coming into force, the petitioner is at liberty to avail the said remedy. For modification of the development plan it is for the planning authority to consider the same as per Section 37 of the M.R.T.P. Act. The parties may take steps as are permissible.

4. With the aforesaid observations, the Writ Petition is disposed of. No costs. Civil Application also stands disposed of.

[AVINASH G. GHAROTE, J.]

[S.V. GANGAPURWALA, J.]