

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6414 OF 2016

Rajiv Yashwant Datar & ors. ...Petitioners
Versus
The State of Maharashtra & ors. ...Respondents

Mr. Rahul B. Khot, h/f Mr. Nagesh Chavan, for the
Petitioners.

Mr. K. S. Thorat, AGP for the State/Respondent no.1.
Mr. A. P. Shinde, for Respondent nos.2 and 4.

CORAM: R. M. BORDE &
N. J. JAMADAR, JJ
DATED: 7th JUNE, 2019

PC:-

1. The Petitioner prays for issuance of a declaration that the reservation provided in the final development plan in relation to the property belonging to him stood lapsed in view of the provisions of Section 127 of the Maharashtra Regional & Town Planning Act, 1966 ('MRTP Act'). The learned Counsel for the Petitioners points out that since a town planning scheme has been declared in respect of Ichalkaranji town and the property, in question, belonging to the Petitioners is a part of the Town Planning Scheme, the provisions of Section 127 of the MRTP Act are not attracted. Our attention is invited to the judgment of the Supreme Court in the case of ***Pukhrajmal Sagarmal Lunk (Dead) thorough his LRs &***

ors. vs. Municipal Council, Jalgaon & ors.¹, wherein it has been held that Section 127 of the MRTP Act does not refer to Town Planning Scheme and the reservations prescribed under the scheme cannot be directed to be revoked by taking recourse to Section 127 of the MRTP Act.

2. The petition, thus, is misconceived and, as such, liable to be rejected and same is accordingly rejected.

[N. J. JAMADAR, J.]

[R. M. BORDE, J.]

1(2017) 2 Supreme Court Cases 722.