

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

WRIT PETITION NO. 7803 OF 2019

Swati Sudhir Bhalerao and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Mr. Rajendra N. Chavan, Advocate for the Petitioners.

Mrs. M. A. Deshpande, Addl. G. P. for Respondent No. 1.

Mr. R. K. Ingole, Advocate for Respondent No. 3.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 12th FEBRUARY, 2020.

PER COURT:-

. The petitioners seek release of the property from reservation purportedly invoking Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred as the 'Act').

2. We have heard the learned counsel for the petitioners and the learned counsel for respondents.

3. The notices placed on record are certainly not issued resorting to Section 127 of the Act. In fact, the notice is given to release the land from reservation. Section 127 of the Act requires notice to be given to the planning authority. In the present case, we do not find that the

notice is served upon the planning authority. The notice is served upon the State Government. The same would not be compliance of Section 127 of the Act. The petitioner is also relying upon the communication made by the Municipal Corporation dated 26.09.2002 to the State Government for taking the decision by the State Government at its end with regard to the reservation.

4. It is for the State Government to take decision upon the same.

5. It is further contended that adjacent land has been released under the order of this Court. In that case notice under Section 127 of the Act was served upon the planning authority. In the present case notice has not been served upon the planning authority.

6. In the light of the above, the relief cannot be granted to the petitioners. The petitioners are at liberty to serve notice under Section 127 of the Act to the planning authority and thereafter take steps accordingly.

7. Writ petition accordingly is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.