

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
127 WRIT PETITION NO.7578 OF 2021**

Satyendra S/o Shivram Jindam
Age: 65 years, Occu.: Agriculturist & Business
2-9-52 Jindamwadi, Behind Kala Mandir,
Nanded, Taluka & District Nanded. ..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary,
Urban Development Department,
Mantralaya, Mumbai.
2. The District Collector,
Nanded, Taluka & District Nanded.
3. Assistant Director,
Town Planning Department,
Nanded.
4. Nanded Waghala Municipal Corporation,
Through its Commissioner,
Nanded Waghala Municipal Corporation,
Nanded, Taluka & District Nanded...RESPONDENTS

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Mr. Sushilkumar H. Tripathi, Advocate for the
Petitioner.

Mr. S. G. Karlekar, AGP for Respondent Nos.1 and 2.
Mr. R. K. Ingole Patil, Advocate for Respondent
Nos.3 and 4.

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**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 06th SEPTEMBER, 2021.

ORAL JUDGMENT (Per: S. V. Gangapurwala, J.):-

1. Rule. Rule made returnable forthwith.
With the consent of parties, matter is taken up for
final hearing at the stage of admission.

2. The revised development plan for Nanded city was published on 03.08.2006. It came into effect from 17.09.2006. The land of the petitioner admeasuring 1788.40 Sq.Mt. from C.T.S. No.3445 at Nanded is reserved as Site No.G-2 for primary school.

3. According to the petitioner, the notice under Section 127 of the Maharashtra Regional Town Planning Act, 1966 was served upon the Planning Authority on 21.02.2019. The objection of the Planning Authority was that, the said notice is not accompanied with the documents of title. The petitioner issued another notice and the same is served upon the Planning Authority on 02.05.2019 alongwith documents that is sale deed and P.R. card. No steps for acquisition are initiated.

4. Mr. Ingole, learned counsel submits that, financial condition of the Municipal Corporation, Nanded is not good. The Planning Authority is ready to award TDR to the petitioner.

5. The learned counsel for the petitioner on instructions submits that, TDR is not acceptable to the petitioner.

6. It is not disputed that, till date the declaration under Section 126 of the Maharashtra Regional Town Planning Act, 1966 read with Section 19 of the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and resettlement Act, 2013 is not issued even after lapse of two years.

7. In light of the above, reservation stands lapsed.

8. In light of the above, we pass the following order:

ORDER

a. The reservation on the petitioner's land admeasuring 1788.40 Sq.Mt. from CTS No.3445 at Nanded stands released from reservation.

b. The State Government shall issue Notification under Section 127(2) of the Maharashtra Regional Town Planning Act, 1966 preferably within a period of six (06) months.

9. Rule accordingly made absolute in above terms. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE