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

**1054 CONTEMPT PETITION NO.304 OF 2020
IN WP/6997/2019**

Anantrao Narayanrao Phutane

.. Petitioner

Versus

Mahesh Pathak and Another

.. Respondents

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Advocate for Petitioner : Mr. Sambhaji S. Tope

AGP for Respondents/ State : Mr. S.G. Karlekar

Advocate for Respondent No. 2 : Mr. S.S. Bora

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**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 16-12-2021

PER COURT :

1. Under order dated 31-01-2020 in Writ Petition bearing No. 6997 of 2019 this Court had directed that the reservation on the petitioner's land stands lapsed. The subject matter of the writ petition was Site No.4/08 adm. 12-Hec. 01-R land in Survey No.53 situated at Parbhani.

2. According to the petitioner, the notification under Section 127 (2) of the MRTP Act has been issued by the Government only in respect of the part of the land in the name of the petitioner. The notification is issued only to the extent of 50% of the land.

3. The contention of the learned Assistant Govt. Pleader is that the writ petition was filed only by the petitioner. The wife of the petitioner is the owner of the remaining half area of the land. As such, to the extent of the petitioner the notification is issued.

4. It is trite that one co-owner can maintain the petition on behalf of the other co-owners. The other co-owners have never objected to the claim of the petitioner for dereservation of the entire land. The writ petition was for the entire 12-Hec. 01-R land. As this Court had passed an order for dereservation of the entire 12-Hector, 01-R land from Survey No.53 Site No.4/08 in the development plan, then the notification ought to have been issued for the entire area of the land.

5. It appears that, non issuance of the notification for the entire land was not intentional or willful, but under misconception the respondents did not issue the notification for the entire area of the land.

6. The respondent - authority shall issue the notification under Section 127 (2) of the MRTTP Act in compliance with the order of this

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Court dated 31-01-2020 in Writ Petition bearing No.6997 of 2019 in respect of entire 12-H. 01-R land from Survey No.53 that was reserved at Site No.4/08 situated at Parbhani within a period of three months.

7. Contempt Petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

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