

land of the Petitioner bearing City Survey No.1500 totally adm. 972 sq.mtrs. situated at Kurundwad, Taluka : Shirol, District : Kolhapur reserved for Open Space in the Development Plan dated 15.07.1985 is lapsed.”

2. The facts in the matter are briefly set out hereunder :

2.1 That the Petitioner is a Trust registered under the provisions of the Maharashtra Public Trusts Act, 1950 (the Act) bearing Registration No.A4539 (Kolhapur). The registration Certificate is issued by the Deputy Charity Commissioner, Kolhapur Division, Kolhapur in favour of the Petitioner-Trust.

2.2 That the non-agricultural property bearing City Survey No.1500 totally adm. 972 sq.mtrs. situated at Kurundwad, Taluka : Shirol, District : Kolhapur (hereinafter referred to as the “**said land**”) is absolutely owned and possessed by the Petitioner.

2.3 That the Revised Development Plan for Kurundwad Municipal area was sanctioned by the State of Maharashtra by Notification dated 3rd June, 1985 and the same was brought into effect on 15th July, 1985. In the Development Plan, the land belonging to the Petitioner, vide Reservation No.47 was placed under the reservation as ‘Open Space’.

2.4 That admittedly the Development Plan for Kurundwad town was brought into force on 15th July, 1985. The Respondent No.3 – Planning Authority never acquired the land or initiated the steps for the acquisition of the said land within a period of ten years from the date of the enforcement of the development plan or even

thereafter. On the one hand, the Respondent No.3 is sitting idle on the requests of the Petitioner to acquire the land and on the other hand, without any just and valid reason, it is opposing for cancellation of the reservation.

2.5 That therefore the Petitioner issued a Purchase Notice dated 15th February, 2019 under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 and thereby requested to acquire the said land within the statutory period and appropriate compensation be paid failing which the reservation on the said land may be deemed to have been lapsed and the said land would be available to the Petitioner for development.

2.6 That the notice dated 15th February, 2019 along with all relevant documents was duly received by the Respondent No.3 - Planning Authority. Despite this, Respondent No.3 Planning Authority neither replied to the notice of the Petitioner nor initiated appropriate steps to acquire the said land.

2.7 That the Council of Respondent No.3 – Planning Authority passed a resolution dated 26th August, 2016 in it's meeting bearing resolution No. 540 wherein it was resolved that since the land under the reservation belongs to the Trust and since there are no objections received from the society, as such the Respondent No.3 Planning Authority has no objection to delete the reservation and further to classify/consider the said land under the reservation for "Residential Zone".

2.8 The Petitioner has therefore, filed the above Writ Petition seeking the above

reliefs.

3. The Learned Advocate appearing for the Municipal Council on instructions states that no steps have been taken by Respondent No.3 after receipt of the purchase notice. In view thereof, the above Writ Petition is allowed in terms of prayer clauses (a) and (b). The notification as sought in prayer clause (b) shall be issued within a period of eight weeks from today. The above Writ Petition is accordingly disposed off.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)

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