

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO.814/2020

Anglo Vernacular Education Society,
Darwha, bearing Registration No.F-88,
having its office at Darwha District
Yavatmal, through its President Dr.
Sandeep Ramraoji Dudhe.

..Petitioner.

..Vs..

1. The State of Maharashtra,
through its Secretary, Department of
Urban-Development, Mantralaya,
Mumbai.
2. Assistant Director of Town Planning
Department, Prashaskiya Building,
Yavatmal.
3. The Municipal Council,
Darwha, through its Chief Officer,
Dist. Yavatmal.

..Respondent.

Mr. Rugved Dhore, Advocate for the petitioner.
Mr. A.S. Fulzele, Additional Government Pleader for respondent Nos.1 and 2.
Mr. Rahul Tajne, Advocate for respondent No.3.

CORAM :- SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.
DATED :- 17.9.2021.

ORAL JUDGMENT *(Per Sunil B. Shukre, J.)*

Heard. **Rule.** Rule made returnable forthwith. Heard finally by
consent.

2. Receipt of notice dated 6.9.2017 issued under Section 127 of the Maharashtra Regional Town Planning Act, 1966 by the respondents is not denied. It is also not in dispute that except for moving a proposal by general body of respondent No.3 - Municipal Council for taking steps for acquisition of the land, no active step for acquisition of the land has been taken and even the proposal so moved before the general body of Municipal Council, Darwha has not been considered in any manner by the general body. It is, thus, clear that inspite of receipt of the notice under Section 127 of the M.R.T.P. Act no steps whatsoever in regard to the acquisition of subject land have been taken by the respondents. Therefore, we are of the view that the petitioner has made himself entitled for declaration regarding lapsing of reservation of land in terms of Section 127 of the M.R.T.P. Act. The petition is, therefore, **allowed** in terms of prayer clause (a). Rule accordingly. No costs.

JUDGE

JUDGE