

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

WRIT PETITION NO. 2290 OF 2019

Narayan S/o Sitaram Pawar,
Aged about 61 years,
Occu. - Agriculturist,
R/o. At & Post – Buldhana Jambhrun Road,
Ward No.20, Tahsil &
Dist. Buldhana – 443001.

.... **PETITIONER**

// **VERSUS** //

- 1) Municipal Council, Buldhana
through its Chief Officer,
having office at Main Road, Buldhana,
Maharashtra 443001.
- 2) Town Planner, Municipal Council
Buldhana, having office at
Main Road, Buldhana,
Maharashtra 443001.
- 3) State of Maharashtra,
through Principal Secretary,
Urban Development Department,
Mantralaya, Mumbai – 400032.

.... **RESPONDENTS**

Shri A. R. Deshpande, Advocate for petitioner.
Shri M. V. Bute, Advocate for respondent No.1.
Shri A. A. Madiwale, A.G.P. for respondent No.3.

**CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.**

DATED : 10.08.2021

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

1. Heard. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

2. The agricultural land of the petitioner was shown to be reserved for 18 mtrs. wide D.P. road as per the final D.P. dated 03.11.1990, which came into force w.e.f. 01.01.1991. However, admittedly for more than 10 years of the final D.P. having come into force, no steps for acquisition of the land of the petitioner in the reservation were taken. The petitioner had served upon the respondent No.1, the Planning Authority notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 and calling upon respondent No.1 to take necessary steps for acquiring the land. But, no steps whatsoever have been taken for more than two years. The petitioner has therefore filed this petition seeking a declaration that his land reserved for 18 mtrs. wide D.P. road is no longer under the reservation and the petitioner is free to develop and dispose of the said piece of land.

3. On going through the reply of respondent No.1, it becomes clear that respondent No.1 does not dispute the position that no steps were taken by him for acquiring the subject land. It is only stated that land could not be acquired due to scarcity of fund. This would show

that no steps whatsoever be taken for acquisition of the land and that being so the mandate of Section 127 of the Maharashtra Regional and Town Planning Act, 1966 would come into play.

4. The petition is, therefore, allowed in terms of prayer clause (A) of the petition.

Rule accordingly. No costs.

(ANIL S. KILOR, J.)

(SUNIL B. SHUKRE J.)

Kirtak