

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

902 WRIT PETITION NO. 4322 OF 2021

**PADMA GOPAL TIWARI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THR ITS SECRETARY
AND OTHERS**

Mr. A. G. Talhar, Advocate for the petitioners
Mr. P. K. Lakhotiya, AGP for the respondent/State
Mr. B. S. Deshmukh, Advocate for respondent No. 5.

AND

903 WRIT PETITION NO. 4387 OF 2021

**PRALHAD GOPAL FALAK AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. A. G. Talhar, Advocate for the petitioners
Smt. M. A. Deshpande, AGP for the respondents/State
Mr. B. S. Deshmukh, Advocate for respondent No. 4.

**CORAM : RAVINDRA V. GHUGE &
S. G. DIGE, JJ.**

DATED : 21st April, 2022

PER COURT :-

1. We have considered the strenuous submissions of learned Advocates for the respective sides on 20th April, 2022 and today.

2. It is undisputed that the petitioners have issued notice under Section 127 of the M.R.T.P. Act which has been received by the Municipal Council, Bhusawal, Dist. Jalgaon on 21st July, 2016 and 10th August, 2016, respectively. The learned Advocate appearing on behalf of the Municipal Council has placed before us the copy of the communication dated 21st April, 2022 addressed to the learned Advocate. The same is taken on record and marked as 'X-1' for identification. He further submits that the Municipal Council has taken a stand that as it does not have enough financial strength, it is unable to acquire the lands.

3. Considering the above and Section 127(2) of the M.R.T.P. Act, it would have been appropriate for the appropriate authorities to pass an order of releasing the land from reservation. However, since the same has not been done despite a passage of six years, that the petitioners pray for a writ of mandamus.

4. In view of the above, both these petitions are

allowed.

5. The lands at issue shall stand released from the reservation with regard to Survey No. 67, 68/1+5 and 68/2. Needless to state, the appropriate authority shall issue the notification of releasing the land from reservation, as expeditiously as possible and in any case, on or before 31st May, 2022.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)

ssp