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

2 WRIT PETITION NO.5938 OF 2020

ASHA SUNIL ZAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Mr M. S. Kulkarni, Advocate h/f Mr A. R. Syed, Advocate for
petitioner;
Mr S. K. Tambe, A.G.P. for respondent No.1
Mr V. B. Patil, Advocate for respondent Nos. 2 & 3

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 17th August, 2022

PER COURT:

1. The petitioner has put forth prayer clauses (C) and (D) as under :-

“C) This Hon’ble Court may be pleased to issue appropriate writ, order or directions to hold and declare that the land Gut No. 118/4/1 situated at Nimkhedi Tq. & Dist. Jalgaon is de-reserved and available for development.

D) This Hon’ble Court may be pleased to issue appropriate writ, order or directions to the respondents to de-reserve and release the Gut No. 118/4/1 situated at Nimkhedi Tq. & Dist. Jalgaon from reservation and issue permission to develop the same in accordance with law.”

2. We have considered the submissions of the learned Advocates for the respective sides, in the light of a clear stand

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taken by the Corporation that, besides submitting the proposal to the District Collector, Jalgaon for land acquisition, vide communication dated 05/04/2018, after receiving a purchase notice dated 11/10/2017 under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the MRTP Act”), no further steps have been undertaken and the land is remaining idle. It is also conceded by the Corporation that, they are duty bound to comply with Section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and which steps have not been taken.

3. In the light of this fact situation, we are not required to deal with the entire pleading of the parties. Suffice it to say that, after the purchase notice dated 11/10/2017 was received by the Municipal Corporation, besides forwarding a proposal to the District Collector on 05/04/2018, the Corporation has failed to take any decision, as is expected in law, in the light of the Judgments delivered by the Hon’ble Supreme Court in **Girnar Traders Vs. State of Maharashtra & others, AIR (2007) SC 3180** and **Shrirampur Municipal Council, Shrirampur Vs. Satyabhamabai Bhimaji Dawkher, (2013) 5 Supreme Court**

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Cases 627 and considering the view taken by the learned Full Bench of this Court in **Shree Vinayak Builders and Developers Vs. State of Maharashtra and others, (2022) DGLS (Bom.) 2061.**

4. In the light of the above, Section 127 of the MRTP Act and more particularly Sub-section (2) would bind the Corporation. Section 127 (2) of the MRTP Act reads as under :-

“(2) On lapsing of reservation, allocation or designation of any land under sub-section (1), the Government shall notify the same, by an order published in the Official Gazette.

5. In view of the above, the reservation has lapsed. Respondent Nos.2 and 3 shall intimate respondent No.1, within six weeks, that the reservation has lapsed. Within six weeks thereafter, the first respondent shall issue a Notification under Section 127(2) of the MRTP Act.

6. With the above directions, this petition stands allowed.

7. No order as to costs.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

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