

4. The development plan for the CIDCO was notified on 14 August 2001. The petitioner's property was reserved for play ground and school. No steps were taken towards acquisition and the petitioner served notice U/Sec. 127 of the M. R. T. P. Act on

11.02.2019 and the petition has been filed on 12 July 2021.

5. In the light of decision in the matter of ***Girnar Traders Vs. State of Maharashtra*** reported in **AIR 2007 SC 3180** nothing short of a declaration U/Sec. 126 of the M. R. T. P. Act read with Section 6 of the Land Acquisition Act, 1894 or Section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 would constitute a step in the direction of acquisition as is contemplated U/Sec. 126 of the M. R. T. P. Act.

6. Though the respondent/CIDCO has filed affidavit in reply stating about having passed resolution offering development rights to the petitioner, even that issue is no longer in debate in view of the Full Bench decision of this Court in the matter of ***Shree Vinayak Builder and Developer Vs. State of Maharashtra*** in (Writ Petition No. 2231 of 2019) decided on 25.07.2022. It has been laid down by the Full Bench that unless the owner of the property is ready to accept the development rights, he cannot be compelled to do so.

7. Learned advocate Mr. Palodkar on instructions submits that the petitioner is not ready to get development rights in lieu of the monetary compensation.

8. In view of the above state of affairs, when no steps have been taken for acquisition within ten years of the plan having

been notified or further 24 months, we allow the writ petition. It is declared that the reservation on the writ property stands lapsed. The respondents shall take necessary steps for issuing notification under Sub Section 2 of Section 127 of the M. R. T. P. Act as early as possible. The writ petition is disposed of.

[SANDEEP V. MARNE, J.]

[MANGESH S. PATIL, J.]

bsb/Oct. 22