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

907 WRIT PETITION NO.8204 OF 2022

OMKARNATH RAMESHWAR SOMANI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA, THROUGH SECRETARY
AND OTHERS

....

Mr A. S. Bajaj, Advocate for petitioners;
Mr P. K. Lakhotiya, A.G.P. for respondent Nos.1, 2 & 4
Mr C. K. Shinde, Advocate for respondent No.5

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 17th November, 2022

PER COURT:

1. On 15/09/2022, we had passed the following order :-

1. *Leave to delete Respondent No.6. Deletion be carried out forthwith.*

2. *The Petitioners have put-forth prayer clauses 'B' and 'C', as under:-*

"B. The Hon'ble Court be pleased to issue the Writ of Mandamus or any appropriate Writ, directing the Respondents to release the land of the Petitioners bearing Survey No. 125 (Old Survey No. 376/2+3/1), situated at Sangamner, Dist. Ahmednagar, admeasuring 81 R affected by the reservation for Site No.49 i.e. Site for District Court

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as per the revised development plan sanctioned by Government of Maharashtra by notification dtd. 05.01.2007.

C. The Hon'ble Court be pleased to issue the Writ of Mandamus Writ or any appropriate Writ, directing the Respondent No.1 to issue notification in terms of Sec.127 (2) of the Maharashtra Regional and Town Planning Act. 1966, thereby notifying the release of the land of the Petitioners bearing Survey No. 125 (Old Survey No.376/2+3/1), situated at Sangamner, Dist. Ahmednagar, admeasuring 81 R. affected by the reservation for Site No.49 i.e. Site for District Court as per the revised development plan sanctioned by Government of Maharashtra by notification dtd. 05.01.2007.”

3. Issue notice to the Respondents, returnable on 10.10.2022. The learned AGP waives service of notice on behalf of Respondent Nos.1, 2 and 4. Mr. Shinde, learned Advocate waives service of notice on behalf of Respondent No.5.

4. Copy of the Notification dated 05.01.2007 shall be placed on record within three (03) weeks from today.

5. Hamdust granted on request.”

2. Today, the learned Advocate representing respondent No.5 has placed on record a document dated 20/09/2022, addressed by

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the learned Principal District and Sessions Judge, Ahmednagar to the learned Registrar (Legal and Research), Bombay High Court Appellate Division, Mumbai, stating therein that the land in Survey No.125 (old Survey No.376/2+3/1), admeasuring 0.81 Are, which was earlier reserved for construction of the Court premises at Sangamner, is no longer required, as the Court premises are already constructed at a different location. A copy of the said communication is taken on record and marked as 'X' for identification.

3. The learned Advocate, therefore, submits that the land is not required and the Municipal Council can release the said land from acquisition.

4. The learned Advocate for the Municipal Council submits that, appropriate communication would be sent to the Government within four weeks. The learned A.G.P. submits that, the Government would issue a Notification under Section 127(2) of the Maharashtra Regional and Town Planning Act, 1966 (for short 'the 1966 Act'), within the time limit prescribed by this Court.

5. In view of the above, this petition is disposed off. The writ land stands released from reservation. Respondent No.3/

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Municipal Council would ensure that the communication, intimating releasing of the land, reaches the office of respondent No.1, on or before 15/12/2022. We expect respondent No.1, to issue the requisite Notification under Section 127(2) of the 1966 Act, on or before 28/02/2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

sjk