

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1034 WRIT PETITION NO. 483 OF 2018

RAJENDRA DATTATRYA WABLE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

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Advocate for Petitioner : Mr. Amol S. Gandhi
Addl. GP for Respondent Nos. 1 to 3 & 5 : Mr. S.B. Yawalkar
Advocate for Respondent No. 4 : Mr. Amol S. Sawant

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**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 2nd MARCH, 2022

PER COURT :-

1. The land of the petitioner bearing Survey No. 179/7 admeasuring 8 R and land Survey No. 179/ admeasuring 9 R situated at Rahata, District Ahmednagar is reserved for 'Garden' as reservation site No. 45.
2. It is not disputed that the petitioner issued notice under Section 127 of the Maharashtra Regional Town Planning Act, 1966 (for short "MRTP Act") to the Competent Authority on 23-05-2015. The Municipal Council has received the said notice on 25-05-2015. No steps for acquisition are initiated within stipulated time under Section 126 of the MRTP Act.
3. Mr. Sawant, learned counsel for respondent – Municipal Council submits that Municipal Council has passed resolution that it does not require the said land for reservation site and same be released.
4. As no steps for acquisition are initiated within a period of two years from the date of issuance of notice under Section 127 of the MRTP Act, reservation stands lapsed.

5. In view of that, we pass the following order.

(i) Reservation as site No. 45 for 'Garden' from land bearing Survey No.179/7 admeasuring 8 R and land Survey No. 179/8, admeasuring 9 R situated at Rahata, District Ahmednagar stands lapsed and released from reservation.

(ii) The Municipal Council itself has stated that it does not require the land for the purpose it is reserved, we are not passing further orders of restricting the petitioner from use of the land for particular period.

(iii) The Government shall issue notification under Section 127(2) of the MRTP Act, within a period of six months.

6. Writ petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE