

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11092 OF 2021

Gopal Motiram Choudhari & another

Petitioners

Versus

The Secretary,
Town Planning Department & others

Respondents

Mr. S. P. Bhalerao, Advocate holding for Mr. B. A. Chavan, Advocate for the petitioners.

Mrs. R. P. Gour, AGP for respondents No. 1 and 2.

Mr. N. R. Dayama, Advocate for respondent No. 4.

Mr. D. S. Manorkar, Advocate for respondent No. 5.

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

DATE : 22nd APRIL, 2022.

PER COURT :

1. We have considered the submissions of the learned counsel for the appearing parties.

2. Page No. 17 is the communication from the competent authority (Land Acquisition) – SDO, Bhusawal, dated 19th October, 2017, addressed to the petitioners informing that the land which was earmarked in a project, is no longer required. The land was never

acquired. The land is not to be utilised and, therefore, there is no question of granting compensation.

3. By communication dated 1st December, 2018, the Deputy Director, Town Planning, Pune, has informed the District Collector, Jalgaon, that the concerned land is not to be acquired and as there is a notice under Section 127 of the MRTP and no steps are taken within two years, the said land deserves to be declared as released from any reservation.

4. It is not disputed that the petitioners have served a notice under Section 127 to the District Collector, Jalgaon on 15th September, 2018. No steps have been taken thereafter.

5. Considering the above and the submissions of the learned advocates, this petition is partly allowed.

6. It is declared that the land of the petitioners in Gat No. 391, admeasuring 2 H and 93 R at village Sakegaon, Tq. Bhusawal, Dist. Jalgaon, stands released from reservation in the light of Section

127(2) of the MRTP Act, 1966. The State Government shall accordingly issue a notification on or before 15th September, 2022.

6. No order as to costs.

(S. G. DIGE)
Judge

(RAVINDRA V. GHUGE)
Judge

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