

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

948 WRIT PETITION NO.11693 OF 2021

**PANDIT PANDURANG KALE
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. Syed Azizoddin R.
AGP for Respondent No. 1 : Mr. K.N. Lokhande
Advocate for Respondent No. 3 : Mr. V.D. Gunale
Advocate for Respondent No. 4 : Mr. Chetan T. Jadhav h/f Mr. Ajay D. Pawar

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 22.09.2022.

PER COURT :

The petitioner's land Sy. No 416/1A/1B of Jalgaon to the extent of 824 square meters was reserved for a public purpose in a development plan of the Municipal Corporation, which was published and came into effect on 01.10.2004. Since the land was not acquired for more than ten years, the petitioner served a notice dated 06.12.2018 as contemplated under Section 127 of the Maharashtra Regional and Town Planning Act (hereinafter 'MRTP Act') and since no steps were taken even thereafter for more than 24 months he has filed the present petition seeking a declaration regarding the reservation having been lapsed.

2. Having heard the learned advocates of both the sides, it transpires that the writ land was reserved for a Waghur dam canal. However, due to subsequent change in alignment, the property was no longer required. It was so intimated by the Executive Engineer to the Corporation and, in effect, apart from the consequences flowing from inaction on the part of the respondent-Corporation to take steps towards acquisition as contemplated

under Section 126 of the MRTP Act, even the purpose for which it was reserved is no longer in existence.

3. We allow the writ petition and declare that the reservation on the writ property has lapsed.

4. The respondents shall take immediate steps for issuing notification under Subsection 2 of Section 127 of the MRTP Act.

(SANDEEP V. MARNE J.)

(MANGESH S. PATIL, J.)

mkd/-