

Council, modifying the development plan of 1999, has been suspended. He also seeks to challenge the order dated 03/03/2021 passed by respondent No.2, the Divisional Commissioner, vide which, Appeal No.1 of 2020 preferred by the petitioner has been rejected.

2. I have considered the submissions of the learned counsel for the petitioner and the A.G.P.

3. The issue is that the Municipal Council had passed a Resolution on 18/01/2019 bearing No.91, vide which, the development plan of 1999 to the extent of the land reserved for development of the S.T. Stand has been modified, though the reservation has lapsed under Section 127 of the MRTP Act. By the said resolution, the Municipal Council desired to use the said land for construction of a rest house (*Vishram Gruh*). The said resolution has been suspended by the District Collector, invoking his power under Section 308 of the 1965 Act. The appeal preferred by the present petitioner has been rejected by the impugned order passed by the Divisional Commissioner, on 03/03/2021.

4. There is no dispute that the original land owner had preferred Writ Petition No.1395 of 2015 after issuing the notice under Section 127 of the MRTP Act. He prayed for a declaration that his land, which was reserved under the 1999 development

plan for constructing the S.T. Stand, be declared as having been lapsed and be released from reservation. By an order dated 12/07/2021, this court directed the authorities to decide the application without being influenced by the resolution dated 18/01/2019, vide which, the Municipal Council had sought to modify the development plan. It is, thus, clear that the Resolution dated 18/01/2019 was brought to the notice of this court and, yet, this court has ordered that the application filed by the land owner be decided, without being influenced by the resolution.

5. There is no dispute that the purchase notice issued by the land owners under Section 127 of the MRTP Act is dated 27/02/2013 and, the development plan declaring the reservation of land is dated 15/12/1999.

6. The learned A.G.P. has rightly pointed out that the decision to delete the said land from the reservation under the development plan was arrived at by Notification dated 15/02/2018 and it was published in the State Gazette on 18/02/2018. The land owned by the land owners has, thus, been released by holding that the reservation has lapsed.

7. It is now undisputed that the said land admeasuring 0.30 hectares was declared to have been lapsed from the reservation and a Notification dated 15/02/2018 was published in the State Gazette on 18/02/2018. The land thus stood released from reservation,

much before the passing of Resolution No.91 on 18/01/2019 attempting to modify the development plan.

8. In view of the above, I do not find that this petition deserves to be entertained and the same is, therefore, dismissed.

[RAVINDRA V. GHUGE, J.]