

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 2044/2020

Mangalchand S/o Moharilal Mehadia,
Through legal heirs:

1. Taradevi wd/o Mangalchand Mehadia,
Aged about 76 yrs., Occ. Housewife.
2. Sunil Mangalchand Mehadia,
Aged about 54 yrs., Occ. Business.

Both R/o B-6, Vandana Apartment, Canal
Road, Nagpur.

3. Rashmi @ Sunita Wd/o Asutosh Mukasdar,
Aged about 52 yrs., Occ. Business,
R/o Behind GPO 306, Panchratna Apartments,
Rajlaxmi Marg, Civil Lines, Nagpur.
4. Seems W/o Sanjay Khetan,
Aged about 50 yrs., Occ. Housewife,
R/o Near Agrasen Bhavan, New Radha
Kisan Plot, Akola-444001.
5. Samta W/o Rajesh Agrawal,
Aged about 47 years, Occ. Business,
R/o Kolkata, West Bengal.

PETITIONERS

.....VERSUS.....

1. The State of Maharashtra,
Through the Secretary,
Urban Development Department,
Government of Maharashtra, Mantralaya,
Mumbai 400021.
2. The Municipal Commissioner,
Nagpur Municipal Corporation,
Civil Lines, Nagpur..
3. The Chairman, Nagpur Improvement Trust,
Residency Road, Sadar, Nagpur.

RESPONDENTS

Shri N.R. Bhishikar, counsel for the petitioners.
Mrs. K.R. Deshpande, Assistant Government Pleader for the respondent no.1.
Shri Girish Kunte, counsel for the respondent nos.2 and 3.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : 20TH JUNE, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The grievance of the petitioners is that on account of an inadvertent error, reference to Plot No.6 has not been made in the notification dated 08.06.2018 by which lapsing of reservation No.NE-52 for community centre has been notified. It is an admitted fact that on 05.09.2013 the petitioners had issued notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 calling upon the respondent nos.2 and 3 to purchase lands from Plot Nos.5, 6, 6(A), 1, 1A, 8, 2A, 2 and 5A. Since no steps were taken for acquiring the aforesaid lands, Writ Petition No.6338 of 2013 was preferred. On 11.8.2014 this Court allowed the writ petition and declared the aforesaid reservation to the extent of 0.81 R as lapsed. Consequent upon this declaration the respondent no.1 issued a notification on 08.06.2018 notifying the same. However, reference to Plot No.6 was not made therein. Hence, this writ petition.

3. The learned Assistant Government Pleader for the respondent no.1 on instructions submits that on account of an inadvertent typographical error, reference to Plot No.6 is not found in the notification dated 08.06.2018. By issuing a corrigendum/fresh notification the said error would be rectified.

The respondent no.2 in its affidavit-in-reply has stated that regularization letter could not be issued to the petitioner since there is no reference to Plot No.6 in the aforesaid notification.

4. In view of aforesaid, the writ petition is disposed of by directing the respondent no.1 to issue a corrigendum/fresh notification including Plot No.6 of Mouza Wathoda in view of the judgment of this Court in Writ Petition No.6338 of 2013. Such notification would be in continuation of the earlier notification dated 08.06.2018. The necessary steps be taken within a period of six weeks from the receipt of the copy of this judgment. The request for regularization of Plot No.6 shall be considered by the respondent no.2 thereafter in accordance with law.

5. Rule is made absolute in aforesaid terms. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)

APTE