

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

Writ Petition No.6325 of 2022

Ritvik S/o Prakash Chandak,
Aged about 45 years,
Occupation: Agriculturist,
R/o Ramana Chandak Nagar,
Murti Road, Katol, Dist. Nagpur.

... Petitioner

Versus

1. State of Maharashtra,
Through its Principal Secretary,
Urban Development Department,
Mantralaya, Mumbai-32.
2. Municipal Council, Katol,
Through its Chief Officer,
Katol, District-Nagpur.

... Respondents

Shri M.P. Khajanchi, Advocate for Petitioner.

Shri K.L. Dharmadhikari, Assistant Government Pleader for
Respondent No.1.

Shri M.I. Dhatrak, Advocate for Respondent No.2.

CORAM : SUNIL B. SHUKRE & ANIL L. PANSARE, JJ.

DATE : 12th OCTOBER, 2022

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

1. Heard.
2. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.
3. The reply filed by the respondent No.2-Municipal Council, Katol is categorical. In Paragraph 3, it is stated that the issue in question was taken up in the General Body meeting of the Municipal

Council, Katol as Subject No.13 on 19-3-2021 and in this meeting, after discussion, it was unanimously resolved that the subject-land, which is currently reserved for the purposes of Town Hall and Garden, should not be acquired and this fact should be intimated to the land-owner. This reply is well-supported by copy of the Resolution bearing No.13/2021, which is at Page 22.

4. It is, thus, clear that the subject-land is not proposed to be acquired by the Municipal Council-respondent No.2 under Section 126 of the Maharashtra Regional and Town Planning Act, 1966 ("the MRTP Act"). Besides, there is no dispute about receipt of notice by the respondent No.2, which is a purchase notice by the respondent No.2, under Section 127 of the MRTP Act. These facts would entail this Court to allow this petition by issuing necessary directions.

5. The writ petition is allowed in terms of prayer clauses (a) and (b). We direct that lapsing of the land shall be published accordingly by seeking necessary approvals within three months from the date of this order.

6. Rule in the above terms. No costs.

(ANIL L. PANSARE, J.)

(SUNIL B. SHUKRE, J.)