

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

**WRIT PETITION NO.6476/2022**

Pramodkumar Shrivallabh Suham,  
aged about 31 years, occu: Business &  
Agriculture, R/o Sharda Chowk, Katol,  
Dist. Nagpur.

**..PETITIONER**

**v e r s u s**

1) State of Maharashtra

Through its Principal Secretary  
Urban Development Department  
Mantralaya, Mumbai-32.

2) Municipal Council, Katol  
Through its Chief Officer,  
Katol, Dist. Nagpur.

**..RESPONDENTS**

.....  
Mr M.P. Khajanchi, Advocate for the petitioner.  
Mr. A.M. Deshpande, In-charge Government Pleader for  
respondent no.1.  
Mr. M.I. Dhatrak, Advocate for respondent no.2.  
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**CORAM:** SUNIL B. SHUKRE &  
ANIL L. PANSARE, JJ

**DATED** : 17.10.2022.

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

1. Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by  
consent.

3. The reply filed by 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.160 on 20.09.2022 and in this meeting, after discussion, it was unanimously resolved that the subject land which is currently reserved for the purpose of High School 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.160/2022 which is at page 44.

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. Besides, there is no dispute about receipt of notice by respondent no.2 which is a purchase notice by respondent no.2, u/s. 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) & (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 above terms. No costs.

**JUDGE**

**JUDGE**

Tambaskar.

Signed By: NILESH VILASRAO  
TAMBASKAR

Private Secretary  
Date: 17.10.2022 18:19