

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

61 WRIT PETITION NO.3343 OF 2005

M/S NATH SEEDS LTD
VERSUS
STATE OF MAH and ANR

...
Advocate for Petitioner : Mr K.D. Soman h/f Mrs Vandana Takalkar
AGP for Respondent No.1 /State : Mrs M.A. Deshpande
Advocate for Respondent No. 2 : Mr S.S. Tope

**CORAM : MANGESH S. PATIL AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 20-02-2023

PER COURT :

1. The petitioner is seeking declaration regarding lapsing of reservation as contemplated under section 127 of the Maharashtra Regional and Town Planning Act, 1966.
2. We have heard both the sides.
3. The law on the point has been crystallized over the period of time.
4. There is no dispute about the fact that the petitioner's land was reserved in a development plan of the respondent /Municipal Corporation which came into effect from 19-11-1991. The property is reserved for 60 meter wide road, inspection bungalow and designated as industrial zone.

5. Since no steps were taken within 10 years of coming into force the development plan, the petitioner served notice dated 13-02-2004, which was responded on 04-03-2004, calling upon several compliances and documents. Pursuant thereto, the petitioner submitted all the details and the documents and the fact is admitted by the respondent/Corporation in its affidavit-in-reply.

6. Since no steps were taken even after lapse of twelve months, petition was filed in the year 2005.

7. In view of the decision in the matter of ***Girnar Traders Vs. State of Maharashtra and others; 2007 (3) CCC 5 (SC)***, when admittedly, no declaration as contemplated under section 126 read with section 6 of the Land Acquisition Act, 1894 issued, the lapsing would occur automatically.

8. We allow the writ petition as prayed for. The respondents shall issue necessary notification under sub-section 2 of Section 127 expeditiously.

[S.G. CHAPALGAONKAR, J.]

[MANGESH S. PATIL, J.]

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