

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

916 WRIT PETITION NO.1567 OF 2023

**VIMALBAI BHAUSAHEB DHONDARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH DEPARTMENT OF URBAN
DEVELOPMENT AND OTHERS
AND**

917 WRIT PETITION NO.1571 OF 2023

**AARATI KAKASAHEB DHONDARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH DEPARTMENT OF URBAN
DEVELOPMENT AND OTHERS**

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Mr. Shubham S. Khoche, Advocate for Petitioners
Mr. V. M. Kagne, AGP for Respondents 1 to 4/State
Mr. Sachin S. Deshmukh, Advocate for Respondent No.5

**CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.**

DATE : 11th August, 2023

ORDER:

1. In both these matters, the issue is with regard to the lapsing of reservation.

2. In the first petition, the land of the petitioner admeasuring 1 Hectare was earmarked for a playground and 0 H 34 R land was earmarked for a school, out of Gat No. 53 in village Golwadi Tq. & Dist. Aurangabad by the final sanction to the development plan accorded by the State on 14.08.2001.

3. In the second matter, the land of the petitioner admeasuring 0 H 14 R was earmarked for a Mangal Karyalaya and 0H 06 R was earmarked for a social facility in Gat No. 70. So also, land admeasuring 0.H 12 R for a social facility and 0 H 10 R for a Dispensary, was earmarked in Gat No. 78 of village Golwadi by the final sanction to the development plan.

4. Since the steps were not taken towards acquisition, purchase notice under section 127 of the Maharashtra Regional and Town Planning Act, 1966 was issued in both the matters, on 11.02.2019. No steps were taken for acquisition as contemplated under section 126 (1) (c) of the Act. Development Rights Certificate was offered in lieu of compensation which, the petitioners have declined to accept.

5. CIDCO authorities have filed an affidavit in reply. The learned Advocate representing CIDCO has vehemently opposed both these petitions and prays that they should be dismissed with costs.

6. Insofar as any step as recognized by the law laid down by the Hon'ble Supreme Court in **Girnar Traders and Another Vs. State of Maharashtra and others; 2007 AIR (SC) 318**, the CIDCO authorities cannot indicate from the record that any such steps have been taken within a period of 24 months, after the issuance of the purchase notice.

7. In view of the above, **both these petitions are allowed.**

8. We direct the CIDCO authorities to forward appropriate proposals to the competent authority within 45 days from today. The competent authority shall accordingly issue the notifications under section 127(2) of the MRTP Act, within 60 days thereafter.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan