

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

WRIT PETITION NO. 9588 OF 2021

Khandu Kashinath Bhole and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri A. R. Syed, Advocate for the Petitioners.

Shri S. W. Mundhe, A.G.P. for the Respondent No. 1.

Shri M. V. Navandar, Advocate for Respondent Nos. 2 and 3.

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRADE, JJ.**

DATE : 21ST JUNE, 2023.

PER COURT :

1. The Petitioner has put forth prayer clauses C and D as under :

"C. This Honourable Court may be pleased to issue appropriate writ, order or directions to declare that the land Gut No. 108 (Part-III) and 108 (Part-IV) situated at Pimprala, Tal. & Dist. Jalgaon stand de-reserved and to issue notification u/s. 127(2) of the Act.

D. This Honourable Court may be pleased to issue appropriate writ, order or directions to the respondents to de-reserve land Gut No. 108 (Part-III) and 108 (Part-IV) situated at Pimprala, Tal & Dist. Jalgaon by further directions to issue notification u/s. 127(2) of the Act."

2. When notice was issued in this case on 30th August, 2021, this Court [S. V. Gangapurwala (as His Lordship then was) and R. N. Laddha, JJ] had recorded in the first paragraph as under :

. The contention of the petitioners is that though the notice under Section 127 of the MRTP Act is served upon the respondents on or about 20th April, 2016, no steps for acquisition are initiated. The declaration under Section 126 of the MRTP Act read with Section 19 of the Right to Fair Compensation Act, is not yet issued. The land stands released from reservation.

3. We have considered submissions of the learned advocate for the Petitioners, learned Assistant Government Pleader on behalf of the State and Shri Navandar, learned advocate on behalf of the Respondent Nos. 2 and 3. There is no dispute that the purchase notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for the sake of brevity hereinafter referred as to the “MRTP Act”) was served on the acquiring body on 20th April, 2016 and no steps were taken thereafter. It is, therefore, undisputed that the land stands released from reservation.

4. The learned Full Bench of this Court has dealt with the law in **Shree Vinayak Builders and Developers Vs. The State of Maharashtra and others**, reported in **2022(4) Mh.L.J. 739**.

5. In view of the above, **this petition is allowed** in terms of prayer clause “C”. The respondent No. 2/Municipal Corporation shall forward the proposal to the respondent No. 1 within four

(04) weeks from today. The respondent No. 1 shall, thereafter, issue a notification under Section 127(2) of the MRTP Act within 45 (forty five) days.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

bsb/June 23