

(1)

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

903 WRIT PETITION NO.11806 OF 2022

**EKNATH APPAJI BAWAKE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS JOINT
SECRETARY AND OTHERS**

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Mr K. M. Nagarkar, Advocate h/f Ms Smita S. Kulkarni,
Advocate for Petitioners;
Mr S. G. Karlekar, A.G.P. for Respondent Nos.1 to 4
Mr S. B. Parnere, Advocate for Respondent No.5

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

DATE : 27th July, 2023

PER COURT:

1. After service of Court notice on the contesting Respondent/Nagar Parishad, no appearance was entered. On 23/03/2023, a notice for final disposal was issued. The same is served on the Respondents.

2. On 04/05/2023, this Court passed the following order :-

“1. Though respondent no.6 is served, none appears for respondent no.6.

2. Re-issue notice of final disposal to respondent no.6, returnable on 26th June, 2023.”

(2)

3. Despite issuance of two notices for final disposal to Respondent No.6, after the first notice for admission/hearing, no appearance has been entered on behalf of Respondent No.6.

4. On 27/02/1991, the Government of Maharashtra issued a Notification through the Urban Development Department, declaring its intention to acquire the land for laying a ring road. By a Notification dated 14/07/2005, the Development plan was modified. On 03/03/2020, the Petitioners issued a notice for purchase under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short 'the MRTTP Act').

5. The learned Advocate for the Zilla Parishad submits that, it has nothing to do with the ring road in Shirdi. This comes within the Municipal Council of Rahata. A specific affidavit in this regard has been filed on 20/04/2023 by the Block Development Officer, Panchayat Samiti, Rahata, Zilla Parishad, Ahmednagar.

6. Considering the above, it is apparent that Respondent No.6 has not initiated any steps. **This petition is, therefore, allowed in terms of prayer clause (B),** which reads as under :-

(3)

“B. To hold and declare that the reservation of writ land of the petitioners bearing Gat No. 309 admeasuring 0H 70R and Gat No. 310 admeasuring 0H 50R situated at village Sakuri Tq., Rahata Dist. Ahmednagar, shall deemed to have been lapsed and de-reserve the writ land from the reservation, in view of notice dated 03.03.2020 send by the petitioner u/sec 127 of Maharashtra Regional Town Planning Act 1966.”

7. The Competent Authority shall issue a Notification under Section 127(2) of the MRTP Act, within 60 days from today.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk