

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

36 WRIT PETITION NO.8516 OF 2018

SATYANARAYAN RAMPRATAP BALDI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Ms. Kirti Deshpande h/f. Mr. Bhokarikar Madhav M.
AGP for the respondent – State : Mr. P.K. Lakhotiya
Advocate for the respondent no. 6 : Mr. V.D. Gunale
...

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

DATE : 27 FEBRUARY 2023

PC :

Heard both sides.

2. The petitioner who is claiming to be the owner of the property is seeking a declaration in respect of lapsing of reservation as contemplated under section 127 of the Maharashtra Regional and Town Planning Act, 1966 (**the MRTP Act**).

3. The respondent – corporation has not filed any reply whereas the State in its reply specifically mentioned that the land gat no. 179/1 mentioned by the petitioner was not put under any reservation nor was it assigned for any public purpose. In the development plan, it was merely shown as occupied by a water body which has been in existence.

4. The respondent – municipal corporation in its town planning department has also responded to the petitioner on 25-11-2016, *ex facie* taking a similar stand of there being no reservation / assignment / designation over the land survey no. 179/1.

5. In view of such stand of the respondents, there is no question of granting any declaration under section 127 of the MRTPL Act. The writ petition is disposed of.

[S. G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/