

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

WRIT PETITION NO.13073 OF 2022

1. Sharad Vrushikrao Shinde
Age: 48 years, Occu. Business & Agril.,
R/o Hanuman Nagar, Ambajogai,
Tq. Ambajogai, Dist. Beed
2. Sanjay @ Vilas Vrushikrao Shinde
Age: 52 years, Occu. Business & Agril.,
R/o. Hanuman Nagar, Ambajogai,
Tq. Ambajogai, Dist. Beed
3. Ganesh Shankarrao Manse
Age: 54 years, Occu. Business & Agril.,
R/o. Shankar Masane, Parvati Niva, Jain Galli,
Ambajogai, Tq. Ambajogai, Dist. Beed **... Petitioners**

Versus

1. The State of Maharashtra
Through the Secretary
Department of Urban Development
Mantralaya, Mumbai – 32
2. The Director of Town Planning Department,
Maharashtra State, Pune
3. The Collector,
Beed
4. Assistant Director of Town Planning,
Beed
5. Municipal Council, Ambajogai,
Through its Chief Officer,
Ambajogai, Beed **... Respondents**

**AND
WRIT PETITION NO.13083 OF 2022**

Kazi, Sanghani & Bagwan Builders & Developers,
Through its Partner namely,
Atul Mansukhlal Sanghani,
Age: 50 years, Occu. Business,
R/o Fulainagar, Krushna Mandir Road,
Beed

... **Petitioner**

Versus

1. The State of Maharashtra
Through the Secretary
Department of Urban Development
Mantralaya, Mumbai – 32
2. The Director of Town Planning Department,
Maharashtra State, Pune
3. The Collector,
Beed
4. Assistant Director of Town Planning,
Beed
5. Municipal Council, Ambajogai,
Through its Chief Officer,
Ambajogai, Beed

... **Respondents**

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Mr. D. P. Palodkar, Advocate for Petitioners

Mr. P. K. Lakhotiya, AGP for Respondent Nos. 1 to 4

Mr. V. V. Bhavthankar, Advocate for Respondent No.5

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

DATE : 12.09.2023

ORAL JUDGMENT (Per: Ravindra V. Ghuge, J.) :-

1. Rule. Rule made returnable forthwith and heard finally by consent of the parties.

Writ Petition No. 13073 of 2022

2. The Ambajogai Municipal Council sanctioned the Development Plan on 31.07.1998 for acquiring the land admeasuring 1 Hectare 88 R from Survey No.82/1/1, for the purposes of a garden. Even after twenty [20] years, as the Municipal Council did not take any steps, the Petitioners issued a purchase notice dated 15.05.2019. Twenty Four [24] months thereafter, the Municipal Council has not taken any steps until 15.05.2021 and even till today.

Writ Petition No. 13083 of 2022

3. The Municipal Council Ambajogai, published a Development Plan on 31.07.1998 for acquiring the land admeasuring 40 R in Survey No.82/1/2, for a garden. A purchase notice was issued on 17.04.2017. In the Twenty Four [24] months that followed, no steps were taken by the Municipal Council until 17.04.2019 and even till today.

4. In both the matters, though the revised development plan is dated 10.11.2022, no steps have been taken even till today.

5. In view of the above, **both these petitions are allowed.** The reservation is declared to have lapsed. The Municipal Council, Ambajogai would forward the proposals in both these matters to Respondent No.1, within thirty [30] days declaring that the land is released from reservation. Thereafter, Respondent No.1 shall issue a notification under Section 127 (2) of the Maharashtra Regional and Town Planning Act, 1966, within Forty Five [45] days, declaring that the reservation has lapsed and is free for development in accordance with law.

6. Needless to state, keeping in view the order passed by the Hon'ble Supreme Court on 27.02.2023 in Special Leave Petition (Civil) Diary No.39782 of 2022 in the matter of ***Municipal Corporation, Jalgaon Vs. Satish Soma Bhole***, the Municipal Council would be at liberty to initiate fresh proceedings for acquisition in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

7. Rule is made absolute in the above terms.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]