

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8086 OF 2022

1. Anant Keshav Rajegaonkar
age: 50 years, Occupation : Business,
residing at Bungalow No. 2, Subham
Model Colony, Bhonsala Military
School, Nashik-422 005.

2. Anil Bhavarlal Jain
Age: Adult, Occu: Business, residing at
11, Sneh Murkute, Gangapur Road,
Nashik-422 022.

3. Suyojit Infrastructure Pvt. Ltd.
through Directors,
Anant Keshav Rajegaonkar and Having
address at F-1/2, Suyojit Heights, Near ...
Rajiv Gandhi Bhava, Sharanpur Road,
Nashik-422 002

Petitioners

V/s.

1. The State of Maharashtra

...

Respondents

2. The Nashik Municipal Corporation,
through its Commissioner, Sharanpur
Road, Nashik.

3. The Ministry of Urban Development,
Mantralaya, Mumbai.

4. The Assistant Director,
Town Planning and Valuation, Nashik.

5. The Estate Manager,
The Nashik Municipal Corporation,
Sharanpur Road, Nashik.

Mr. Vivek Punjabi a/w. Ms. Kinnari Mehta and Ms. Pranita Singh for petitioners.

Mr. M.P. Patil for respondent nos. 2 and 5-Corporation.

Ms. M.P. Thakur-AGP for respondent nos. 3 and 4.

**CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, J.J.**

DATE : 26th JULY 2023.

ORAL JUDGMENT: (PER SUNIL B. SHUKRE,J)

. Rule. Rule made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.

2. It is not in dispute that after receipt of the purchase notice under section 127 of Maharashtra Regional and Town Planning Act, 1966 no steps, as contemplated in law, for acquisition of the subject land were taken by the concerned authority i.e. respondent no. 2. It is the case of the petitioner that all conditions requisite for deemed lapsing of the subject land are fulfilled, and we indeed find it to be so.

3. In view of the above, we find that this petition deserves to be allowed.

4. The petition is allowed and it is declared that the reservation of the land bearing Survey No. 316/1+2/2 admeasuring 13,143 sq. mtrs. situated at Mouje Pathardi, Taluka and District-Nashik has lapsed and now the petitioner would be free to use the land in a manner as he desires, however, within the limits of law.

5. We also direct respondent no.1 to issue notification under section 127 (2) of M.R.T.P, Act within a period of three months from the date of receipt of this order.

6. Rule is made absolute in above terms. No costs.

(RAJESH S. PATIL, J)

(SUNIL B. SHUKRE, J)