

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 1847 OF 2018

Laxman Raghunath Navale

...Petitioner

Vs.

The State of Maharashtra and Ors.

...Respondents

Mr. Pramod N. Joshi for Petitioner

Mr. M.L. Patil for Respondent Nos. 2 and 4 Corporation

Ms. M.P. Thakur, AGP for State.

CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, JJ.

DATED : 19th JUNE, 2023

P.C.:

1. Heard.
2. Rule. Rule is made returnable forthwith by consent of parties.
3. There is no dispute about the fact that no steps for acquisition of the subject land have been taken by Respondent No.2 within a period of more than 15 years after receipt of the notice under Section 127 of the Town Planning Act, which complied with all the necessary requirements of law.
4. That being so, the right of the Petitioner to get the declaration regarding lapsing of the subject land has been crystallized and,

therefore, in our considered view, this petition deserves to be allowed.

5. Petition is allowed in terms of prayers clause (a), which reads as under:

“(a) Issue an appropriate Writ/Order, for declaring that the reservation of the land belonging to the Petitioner to the extent of area of 2000 sq.mtrs. situated at Mauje Pathadi, Taluka and District Nashik within the territorial limits of Nashik Municipal Corporation from Survey No. 316/1+2/2/2 be declared to have been lapsed from the reservation of Firebrigade and Municipal amenities as shown in the title, plan of 1993, of the Nashik Municipal Corporation, the Respondent No.2 and declaration be directed to be issued to that effect as provided under Section 127 of the “Town Planning Act”.

4. Necessary Notification under Section 127(2) of the MRTP Act be issued within a period of three months from the decision of this Court.

(RAJESH S. PATIL, J.)

(SUNIL B. SHUKRE, J.)