

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4592 OF 2021

Safora Begum W/o Irshad Qureshi, Shanti Nagar, Nagpur and anr.

-vs-

The State of Maharashtra, Thr. Secretary, Town Planning Dept. Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri H. I. Kothari, Advocate for petitioners.

Ms N. P. Mehta, Assistant Government Pleader for respondent Nos.1
and 3.

Shri G. A. Kunte, Advocate for respondent No.2.

Shri Abhay Sambre, Advocate for respondent No.4.

CORAM : A. S. CHANDURKAR AND MRS VRUSHALI V. JOSHI JJ.

DATE : February 02, 2023

P.C.

The learned counsel for the petitioners submits that this Court in Writ Petition No.217/2015 (*Haji Gulam Mustafa and ors. vs. The State of Maharashtra, Thr. Secretary, Town Planning Dept. Secretariat (Mantralaya), Mumbai and ors.*) and Writ Petition No.8321/2018 (*Shri Rakeshraj Vasantraj Modhsaraf and ors. vs. The State of Maharashtra and ors.*) has considered a similar prayer made for declaring the reservation vide ME-53 under Notification dated 10/09/2001 to have lapsed under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short, the Act of 1966).

We have heard the learned counsel and having perused the decisions in *Haji Gulam Mustafa and ors.* and *Shri Rakeshraj Vasantraj Maodhsaraf* (supra), we find that the present petitioners would be entitled for similar relief in the light of the purchase notice issued by them on 20/11/2017. Hence for reasons recorded in the aforesaid decisions, the writ petition is

allowed. It is declared that the reservation to the extent plot No.309A/1 to the extent of 1500 sq. ft. owned by the petitioner No.1 and 309A/2 to the extent of 3500 sq. ft. owned by the petitioner No.2 stands lapsed under Section 127 of the Act of 1966. The Notification in that regard be issued by the respondent No.1 within a period of twelve weeks.

The petitioners are free to develop the lands for the purposes for which adjacent lands can be used as per provisions of the Act of 1966.

No costs.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)

Asmita