



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

WRIT PETITION NO. 7418/2022

- PETITIONERS:**
- 1] Meeta Yuvraj Bakde,
Age 47 years, Occupation: Housewife,
“Amey Opp. Balaji Dal Mill, Near Dr.
Marothi Hospital, Shastri Ward,
Hinganghat, District Wardha 442 301.
 - 2] Sulbha Dhanraj Kumbhare,
Age 60 years, Occupation- Housewife,
Plot No. 30, LIC Colony, Ajani
Nagpur -440015.

...V E R S U S...

- RESPONDENTS**
- 1] The State of Maharashtra,
through the Secretary,
Urban Development Department,
Mantralaya, Bombay.
 - 2] The Director of Town Planning,
State of Maharashtra,
Central Building, Pune-1.
 - 3] The Municipal Council (M.C.)/
Nagar Parishad Hinganghat, through
its Chief Officer, Tq. Hinganghat,
District Wardha.
 - 4] Assistant Director of Town Planner,
Valuation Office Wardha, Ambedkar
Chowk, Sawangi Road, Near Stadium,
Wardha.

Mr. G.K. Mundhada, counsel for the petitioners.
Ms. Kalyani Deshpande, AGP for respondent Nos. 1,2 and 4.
Mr. Sagar Katkar, counsel for respondent No.3.

CORAM : **AVINASH G. GHAROTE &**
URMILA JOSHI-PHALKE, JJ
DATE : **05/09/2023**

JUDGMENT : (PC)

1. **Rule.** Rule is made returnable forthwith. Heard finally by consent of the parties.

2. By filing a Pursis dated 17/8/2023 bearing stamp No.03/2023, Mr. G.K. Mundhada, learned counsel for the petitioners has restricted the present petition to a declaration under Section 127 of the Maharashtra Regional Town Planning Act, 1966 (for short 'the MRTP Act').

3. The learned Counsel for the petitioners seeks a declaration that the reservation of play ground vide Reservation No. 17, in respect of the lands of survey No.132/6/1, admeasuring 932.79 sq. mtr.; survey No. 132/6/2, admeasuring 742.5 sq. mtr., and survey No. 132/6/3 admeasuring 833.01 sq. mts. situated at village Nandgaon (B), Tah. Hinganghat, District- Wardha has been

lapsed.

4. The reservation which was created in view of the sanction of development plan on 26/9/2008. As nothing was done for more than a period of 10 years, a notice under Section 127 of the MRTP Act came to be issued on 24.7.2020, which is received by the respondent no.3 on 29.7.2020 along with the requisite documents. The rejection of the notice by the respondent no.3 is on the ground, that the measurement sheet was not submitted. The measurement sheet is not a document which is required to be submitted along with the purchase notice under Section 127 of the MRTP Act.

5. Mr. Sagar Katkar, learned counsel for the respondent No.3 is unable to point out any other reason for rejection of the purchase notice and categorically admits, that no proposal was sent to the Collector, in pursuance to the purchase notice. He also does not dispute that the purchase notice was received on 29.7.2020 along with the requisite documents of title. That being the position, in our considered opinion, the statutory requirements of Section 127 of the MRTP Act having being complied with, and no purchase proposal having been sent during the statutory period, which expired on 28.7.2022, the petitioner would be entitled to a declaration of lapsing of reservation. Hence, we pass the following order.

- a) The writ petition is allowed.
- b) It is declared that reservation no. 17 in respect of the aforesaid lands stands lapsed u/s 127 (1) of the MRTP Act.
- c) The respondent no.2 is further directed to issue an appropriate notification u/s 127 (2) of the MRTP Act, within a period of eight weeks from today.
- d) Rule is made absolute in above terms. No costs.

(URMILA JOSHI-PHALKE, J)

(AVINASH G. GHAROTE, J.)