



Shailaja

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

WRIT PETITION NO.8258 OF 2022

Pralhad Tulsiram Bunde,	]	
Age: 65 years, Occ: Agriculturist,	]	
R/o. Vidarbha Mill Colony,	]	
Achalpur, Dist. Amravati.	]	Petitioner

Vs.

1. The State of Maharashtra through	]	
the Secretary Urban Development	]	
Department, Mantralaya, Mumbai – 32.	]	
2. The Director of Town Planning, State of	]	
Maharashtra, Central Building, Pune -1.	]	
3. Municipal Council (M.C) / Nagar Parishad	]	
through its Chief Officer at Achalpur Tq.	]	
Achalpur Dist. Amravati.	]	
4. Assistant Director of Town Planning, Tatte	]	
Building, Behind Labor Court, Camp,	]	
Amravati, 444 602.	]	Respondents

.....

Mr. G.K. Mundhada, for Petitioner.

Ms. K.R. Deshpande, A.G.P, for Respondent Nos. 1 and 2.

Mr. Yash Jaiswal, for Respondent No.3.

.....

**CORAM : PRITHVIRAJ K. CHAVAN &
URMILA JOSHI-PHALKE, JJ.**

**RESERVED ON : 13th OCTOBER, 2023.
PRONOUNCED ON : 20th October, 2023.**

JUDGMENT: (Per Prithviraj K. Chavan, J.):

1. Rule.

2. Rule is made returnable forthwith and taken up for final hearing by consent of learned Counsel for the parties.

3. The petitioner has made following substantive prayers;

(A) Declare that the reservation for purpose of Garden vide Reservation no.57 as per 1st revised development plan and reservation for purpose of Play Ground vide Reservation no.57 as per the Excluded Part of the Development plan affecting the land owned by the petitioner of Survey no.31/4, area admeasuring 1.09HR Village Khel Traymbak Narayan Tq. Achlapur Dist. Amravati has lapsed under Sec. 127 of the Maharashtra Regional and Town Planning Act, 1966 and that the petitioner are free to develop the land owned by him in the manner permissible to adjacent land as per Development Plan of Achalpur city.

(B) Direct the respondents to notify and publish in the official Gazette within eight weeks or within a period as may be specified by this Hon'ble Court for issuing notification under Sec. 127 sub-section (2) the lapsing and declare that the reservation for purpose of

Garden vide Reservation no.57 as per 1st revised development plan and reservation for purpose of Play Ground vide Reservation no.57 as per the Excluded Part of the Development plan affecting the land owned by the petitioner of Survey no.31/4, area admeasuring 1.09HR Village Khel Traymbak Narayan Tq. Achalpur Dist. Amravati has lapsed or within a period as may be specified by this Hon'ble Court”.

4. Shorn of unnecessary details, a few facts germane for disposal of this petition, are summarized as under.

5. Petitioner is the owner and person interested in the development of land bearing Survey No.31/4, area admeasuring 1.09HR Village Khel Traymbak Narayan, Tq. Achalpur, Dist. Amaravati. (Hereinafter, the said land shall be referred to as “subject land” for the sake of brevity).

6. First Revise Development Plan for the city of Achalpur was published in the Government Gazette vide Order No. TPS-2899/7639/CR-123/(A)/99/UD-30 dated 15th January, 2003. It came into force with effect from 1st March, 2003. In the said

development plan, respondent No.3 reserved the subject land for the purpose of a garden vide Reservation No.57.

7. Further, excluded part of the Development Plan was published in the Government Gazette vide Order No. TPS/2803/181/CR-355/New-30 dated 17th July, 2004 which came into force with effect from 1st September, 2004. In the excluded part of the Development Plan, the purpose from garden has been changed to a play ground vide Reservation No.57.

8. On 20th July, 2020, the petitioner moved an application under Section 44 of the Maharashtra Regional & Town Planning Act, 1966 (for short “MRTP Act”) r/w section 42A of the Maharashtra Land Revenue Code, 1966 (for short “MLR Code”) as he was interested in development of the subject land with all relevant documents. After scrutiny of the documents and accepting necessary fees, respondent No.3 granted technical sanction under Section 45 (2) of the MRTP Act on 5th December, 2019 *qua* the subject land.

9. Matter was referred to Deputy Superintendent of Land Records for demarcation. After paying scrutiny fee, development

charges etc, respondent No.3 came to know after lapse of 33 days that the subject land was reserved for the above stated purpose. As such, on 7th January, 2020, respondent No.3 vide letter No.104 informed the petitioner that technical sanction of the layout which was granted to the petitioner has been withdrawn as the said land has been reserved for the purpose as stated above.

10. It is contended that after rejection due to operation of Section 46 of the M.R.T.P Act, it was not practically possible for the Planning Authority to grant permission to the petitioner in contravention of the development plan of Achalpur city. It is, *inter alia*, stated that the rejection of technical approval was passed *sans* an opportunity of being heard to the petitioner by respondent No.3.

11. The technical approval dated 5th December, 2019 and rejection of technical approval dated 7th January, 2020 were submitted by a notice under section 49 of the M.R.T.P Act issued to respondent Nos. 1, 3 and 4.

12. Aggrieved with the rejection of technical approval as well as being deprived of the beneficial use of the subject land, the

petitioner decided to explore remedies under Sections 49 and 127 of the M.R.T.P Act. A purchase notice was issued to respondent No.3 on 29th June, 2020 under section 127 of the M.R.T.P Act. The petitioner requested the respondent to initiate acquisition of the subject land as it has been reserved for the above stated purpose. The notice was accompanied with 7/12 extract, measurement sheet and part plan. The notices were duly served upon the respondents along with relevant documents.

13. It is contended that there were typographical errors in the notice wherein Survey No.34/4 has been mentioned instead of Survey No.31/4 *qua* the subject land. Respondent No.3 in response to the notice under section 127 of the M.R.T.P Act by it's communication dated 10th August, 2020 informed the petitioner to submit relevant documents. It is contended that all the relevant documents were already submitted to respondent No.3 along with application for sanction of the layout under section 44 of the M.R.T.P Act r/w section 42A of MLRC. However, respondent No.3 did not take any notice of those documents and, instead raised an issue of incorrect description of the property only to delay the proceeding of acquisition of the subject land.

14. On 28th September, 2020, respondent No.4 vide communication No.1399 directed respondent No.3 to submit relevant documents and complete report in respect of the subject land for further proceedings under section 49 of the M.R.T.P Act. Despite submitting all the relevant documents to respondent No.3 along with application for sanctioning of the layout under section 44 of the M.R.T.P Act r/w section 42A of the MLRC, respondent No.4 also did not take notice of those documents and had raised the issue of incorrect description of the subject land to delay the proceedings for acquisition. Respondent No.1 by communication dated 28th September, 2020 directed respondent No.2 to complete the further statutory proceedings under section 49 (4) as regards notice under section 49 dated 29th June, 2020.

15. On 8th February, 2021, the petitioner served second notice in continuation of the first notice under section 127 of the M.R.T.P Act as there was a typographical error in the first notice regarding description of the subject land. The said notice was duly served upon respondent No.3. The petitioner had requested respondent No.3 to read correct description of the property as survey No.31/4, *inter alia*, requesting respondent No.3 to initiate the acquisition

proceedings by taking into consideration the previous notice dated 29th June, 2020.

16. Since there was a typographical error in the notice under section 49 of the M.R.T.P Act, the petitioner had issued second purchase notice under section 49 to the respondent Nos.2 and 3 on 22nd February, 2020. The said notice was accompanied with 7/12 extract and copies of letters to respondent Nos. 1 and 2.

17. The petitioner thereafter issued third purchase notice in continuation of previous notice under section 127 of the M.R.T.P Act on 23rd March, 2021 to respondent No.3 wherein he referred earlier purchase notices. All relevant documents were again annexed along with third notice. The same was duly received by respondent No.3 for the purpose of implementation of the development plan. It is contended that it was obligatory on the part of the respondent No.3 to complete the land acquisition proceeding under section 31 (5) of the M.R.T.P Act within a period of ten years from the date on which the development plan came into force. Since respondent No.3 had not initiated the proceedings for land acquisition after receipt of the notice under section 49 (1) of the

M.R.T.P Act and confirmation order issued by respondent No.2 under section 49 (4) as well as the time limit prescribed in section 127, respondent No.3 was vigilant enough to forward the proposal to Collector Amaravati as the time started running for completion of the acquisition of the subject land. On 1st July, 2021, respondent No.3 submitted a proposal for acquisition to the Collector Amaravati.

18. On 29th September, 2021, hearing was conducted before respondent No.2 as per section 49 (4) of the M.R.T.P Act through video conferencing. Respondent No.2 thereafter confirmed the notice under section 49 by passing an order on 26th November, 2021. Respondent No.2 clarified that the subject land was reserved for the purpose of garden vide Reservation No.57 in the first revised development plan of Achalapur city and then subsequently in the excluded part of the development plan, subject land was reserved for the purpose of playground vide reservation No.57. Respondent No.2 directed to complete the acquisition proceeding of the subject land as per the provisions of section 49 (7) of the M.R.T.P Act within the statutory period.

19. Since an incomplete proposal for acquisition was submitted by respondent No.3 to the Collector Amaravati on 1st July, 2021, Collector Amaravati directed respondent No.3 to submit complete proposal for acquisition by communication dated 28th March, 2022. Respondent No.3, thereafter, vide letter dated 8th June, 2022, submitted copy of the proposal for acquisition of the subject land along with relevant documents vide letter No.5027; upon inquiry the petitioner realized that no steps were taken by respondent No.3 in respect of acquisition of the subject land as no statutory amount required for publication of Notification under section 126 of the M.R.T.P Act r/w section 19 of the new Land Acquisition Act was deposited along with the proposal for acquisition and that the same is pending before the Special Land Acquisition Officer, Collector, Amravati. The petitioner contends that the respondents were under statutory obligation to commence and complete the acquisition proceedings under section 126 (2) and (4) r/w section 19 of the new Land Acquisition Act, 2013 within the statutory period of 24 months from the receipt of notice under section 127 of the M.R.T.P Act. A notice under section 127 of the Act was served on 2nd July, 2020. Statutory period of 24 months ended on 1st July, 2022.

20. As such, valuable right of lapsing of reservation on the subject land owned by the petitioner is crystallized and now the petitioner is free to develop the subject land as per the adjacent land use in the development plan.

21. In the affidavit-in-reply on behalf of respondent No.3, most of the facts have been admitted. Respondent No.3 has admitted reservation of the subject land for the purpose of garden and thereafter, in the excluded part of the development plan subject land has been reserved for the purpose of playground. Respondent No.3 further admitted receipt of notice dated 29th June, 2020 under section 127 of the M.R.T.P Act. It is stated that in the notice, there is mention of Survey No.34/4. However, documents of Survey No.31/4 were submitted by the petitioner. Respondent No.3 also admitted receipt of notice dated 8th February, 2021 under section 127 of the M.R.T.P Act wherein it was informed about typographical error in survey number.

22. It is the contention of respondent No.3 that on 1st July, 2021, it had forwarded proposal for initiating acquisition to the Collector Amravati for acquiring the subject land in respect of which purchase

notice under section 127 of the M.R.T.P Act dated 2nd July, 2020 has been received. Respondent No.3 requested Collector, Amaravati to initiate land acquisition proceedings under section 19 of the New Land Acquisition Act. It is submitted that respondent No.3 is keenly interested in acquisition of the subject land, and, therefore, timely action within a period of 24 months has been taken by it by sending proposal for acquisition to the Collector, Amaravati. Respondent No.3 admitted that on 26th November, 2021, respondent No.2 had confirmed purchase notice under section 49 (4) of the M.R.T.P Act as the proposal for acquisition was submitted prior to passing of the said order. It is contended that since respondent No.3 had taken timely action for forwarding the proposal for acquisition under section 126 of the M.R.T.P Act r/w section 19 of the Land Acquisition Act, 2013 and forwarded the same to the Collector, Amaravati on 1st July, 2021, no fault can be attributed to it.

23. It is specifically contended by respondent No.3 that due to financial crunch, amount required for issuance of Notification under section 6 of the Land Acquisition Act, 1894 or under section 19 of The Right to Fair Compensation And Transparency in Land

Acquisition Rehabilitation, Resettlement Act, 2013 has not been deposited and had not been published till date. Respondent No.3 admits that no declaration has been published and the period of twenty four months as contemplated under section 127 of the M.R.T.P Act is over. It is submitted that since the alternate remedy of an appeal is available to the petitioner in view of section 51 of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act 2013, the petition may not be entertained.

24. We have heard Mr. Mundhada, learned Counsel for the petitioner and Ms. Deshpande, the learned A.G.P. for respondent Nos. 1 and 2 and Mr. Jaiswal, learned Counsel for respondent No.3.

25. Learned Counsel for the petitioner has mainly reiterated the grounds in the petition.

26. The entire controversy revolves around section 127 of the M.R.T.P Act which contemplates lapsing of reservation. It reads thus;

“127. Lapsing of reservations

[(1)] If any land reserved, allotted or designated for any purpose specified in any plan under this Act is not acquired by agreement within ten years from the date on which a final Regional plan, or final Development plan comes into force [or, if a declaration under sub-section (2) or (4) of section 126 is not published in the Official Gazette within such period, the owner or any person interested in the land may serve notice, alongwith the documents showing his title or interest in the said land, on the Planning Authority, the Development Authority or, as the case may be, the Appropriate Authority to that effect; and if within [twenty-four months] from the date of the service of such notice, the land is not acquired or no steps as aforesaid are commenced for it's acquisition, the reservation, allotment or designation shall be deemed to have lapsed, and thereupon the land shall be deemed to be released from such reservation, allotment or designation and shall become available to the owner for the purpose of development as otherwise, permissible in the case of adjacent land under the relevant plan.

[(2)] On lapsing of reservation, allocation or designation of any land under sub-section (1), the Government shall notify the same, by an order published in the Official Gazette”.

27. Sub-section (1) of Section-127 contemplates that if any land reserved, allotted or designated for any purpose specified in any plan under the M.R.T.P Act is not acquired by agreement within 10 years from the date on which a final regional plan or final development plan comes into force or if a declaration under sub-section (2) or (4) of section 126 is not published in the Official Gazette within such period such period, the owner or any person interested in the land may serve a notice along with documents showing his title or interest in the subject land, on the planning authority, the development authority, or as the case may be, the appropriate authority calling upon them to acquire it. If within 24 months from the date of service of such notice, land is not acquired or no steps as aforesaid are commenced for its acquisition, reservation, allotment or designation shall be deemed to have lapsed, and thereupon the land shall be deemed to be released from such reservation, allotment or designation and shall become available to the owner for the purpose of development as otherwise, permissible in the case of adjacent land under the relevant plan. In other words, this section, *inter alia*, provides that if any land is reserved for any purpose i.e in a final regional plan or final development plan and the same is not acquired by agreement or by

declaration published under section 126 (2) or 126 (4) then the owner of the land would be entitled to a notice to the planning authority or the development authority or as the case may be, the appropriate authority asking them to acquire the said land. If the said authority fails to acquire the subject land within 24 months from the date of service of such notice, the reservation is deemed to have lapsed. Sub-section (2) of section 127 of the said Act stipulates that on lapsing of reservation, allocation or designation of any land under sub-section (1), the Government shall notify the same, by an order published in the Official Gazette.

28. We are supported by a decision of the Hon'ble Supreme Court in case of **Girnar Traders Vs. State of Maharashtra and others with Civil Appeal No.3922 of 2007 in the case of S.P. Building Corporation and another Vs. State of Maharashtra and others**, ¹. The Supreme Court in the said decision has very eloquently set out the spirit and purpose of section 126 and 127 of the M.R.T.P Act. Relevant observations and conclusions on this issue read thus;

“36. It is contended by Shri Soli J. Sorabjee and Shri U.U. Lalit, learned Senior Counsel appearing for the appellants, that the intent and purpose of Section 127 of the MRTP Act is the

¹ (2007) 7 Supreme Court Cases 555

acquisition of land within six months or the steps are taken for acquisition of the land within six months, which could only be when a declaration under Section 6 of the LA Act is published in the Official Gazette. It is submitted by the learned Senior Counsel that the words “if within six months from the date of the service of such notice, the land is not acquired or no steps as aforesaid are commenced for its acquisition” are not susceptible of a literal construction and the words have to be given a meaning which safeguards a citizen against arbitrary and irrational executive action which, if fact, may not result in acquisition of the land for a long period to come. It cannot be doubted that the period of 10 years is a long period where the land of the owner is kept in reservation. Section 127 gives an opportunity to the owner for dereservation of the land if no steps are taken for acquisition by the authorities within a period of six months in spite of service of notice for dereservation after the period of 10 years has expired.

37. While interpreting the purpose of Section 127, this Court in **Municipal Corpn. Of Greater Bombay v. Dr. Hakimwadi Tenants’ Assn.** [1988 Supp SCC 55] has said : (SCC p. 63, para 11)

11.It cannot be doubted that a period of 10 years is long enough. The development or the planning authority must take recourse to acquisition with some amount of promptitude in order that the

compensation paid to the expropriated owner bears a just relation to the real value of the land as otherwise, the compensation paid for the acquisition would be wholly illusory. Such fetter on statutory powers is in the interest of the general public and the conditions subject to which they can be exercised must be strictly followed”.

The Court also said: (SCC p.61, para 8)

“8. While the contention of learned counsel appearing for the appellant that the words ‘six months from the date of service of such notice’ in Section 127 of the Act were not susceptible of a literal construction, must be accepted, it must be borne in mind that the period of six months provided by Section 127 upon the expiry of which the reservation of the land under a development plan lapses, is a valuable safeguard to the citizen against arbitrary and irrational executive action. Section 127 of the Act is a fetter upon the power of eminent domain.

54. When we conjointly read Sections 126 and 127 of the MRTP Act, it is apparent that the legislative intent is to expeditiously acquire the

land reserved under the Town Planning Scheme and, therefore, various periods have been prescribed for acquisition of the owners property. The intent and purpose of the provisions of Sections 126 and 127 has been well explained in Municipal Corpn. of Greater Bombay Case (1988 Supp SCC 55). If the acquisition is left for a time immemorial in the hands of the concerned authority by simply making an application to the State Government for acquiring such land under the LA Act, 1894, then the authority will simply move such an application and if no such notification is issued by the State Government for one year of the publication of the draft regional plan under Section_126(2) read with Section 6 of the LA Act, wait for the notification to be issued by the State Government by exercising suo motu power under sub-section (4) of Section 126; and till then no declaration could be made under Section 127 as regards lapsing of reservation and contemplated declaration of land being released and available for the land owner for his utilization as permitted under Section 12. Section 127 permitted inaction on the part of the acquisition authorities for a period of 10 years for de-reservation of the land. Not only that, it gives a further time for either to acquire the land or to take steps for acquisition of the land within a period of six months from the date of service of notice by the land owner for dereservation. The steps towards commencement of the acquisition in such a situation would necessarily be the steps for acquisition and not a step which may not result into acquisition and merely for the purpose of seeking time so that Section 127 does not come into operation.

55. Providing the period of six months after the service of notice clearly indicates the intention of the legislature of an urgency where nothing has been done in regard to the land reserved under the plan for a period of 10 years and the owner is deprived of the utilization of his land as per the user permissible under the plan. When mandate is given in a Section requiring compliance within a particular period, the strict compliance is required therewith as introduction of this section is with legislative intent to balance the power of the State of “eminent domain”. The State possessed the power to take or control the property of the owner for the benefit of public cause, but when the State so acted, it was obliged to compensate the injured upon making just compensation. Compensation provided to the owner is the release of the land for keeping the land under reservation for 10 years without taking any steps for acquisition of the same.

56. The underlying principle envisaged in Section 127 of the MRTP Act is either to utilize the land for the purpose it is reserved in the plan in a given time or let the owner utilize the land for the purpose it is permissible under the town planning scheme. The step taken under the Section within the time stipulated should be towards acquisition of land. It is a step of acquisition of land and not step for acquisition of land. It is trite that failure of authorities to take steps which result in actual commencement of acquisition of land cannot be permitted to defeat the purpose and object of the scheme of acquisition under the MRTP Act by merely

moving an application requesting the Government to acquire the land, which Government may or may not accept. Any step which may or may not culminate in the step for acquisition cannot be said to be a step towards acquisition.

57. It may also be noted that the legislature while enacting Section 127 has deliberately used the word “steps” (in plural and not in singular) which are required to be taken for acquisition of the land. On construction of Section 126 which provides for acquisition of the land under the MRTP Act, it is apparent that the steps for acquisition of the land would be issuance of the declaration under Section 6 of the LA Act. Clause (c) of Section 126(1) merely provides for a mode by which the State Government can be requested for the acquisition of the land under Section 6 of the LA Act. The making of an application to the State Government for acquisition of the land would not be a step for acquisition of the land under reservation. Sub-section (2) of Section 126 leaves it open to the State Government either to permit the acquisition or not to permit, considering the public purpose for which the acquisition is sought for by the authorities. Thus, the steps towards acquisition would really commence when the State Government permits the acquisition and as a result thereof publishes the declaration under Section 6 of the LA Act.

58. The MRTP Act does not contain any reference to Section 4 or Section 5A of the LA

Act. The MRTP Act contains the provisions relating to preparation of regional plan, the development plan, plans for comprehensive developments, town planning schemes and in such plans and in the schemes, the land is reserved for public purpose. The reservation of land for a particular purpose under the MRTP Act is done through a complex exercise which begins with land use map, survey, population studies and several other complex factors. This process replaces the provisions of Section 4 of the LA Act and the inquiry contemplated under Section 5A of the LA Act. These provisions are purposely excluded for the purposes of acquisition under the MRTP Act. The acquisition commences with the publication of declaration under Section 6 of the LA Act. The publication of the declaration under sub-sections (2) and (4) of Section 126 read with Section 6 of the LA Act is a sine qua non for the commencement of any proceedings for acquisition under the MRTP Act. It is Section 6 declaration which would commence the acquisition proceedings under the MRTP Act and would culminate into passing of an award as provided in sub-section (3) of Section 126 of the MRTP Act. Thus, unless and until Section 6 declaration is issued, it cannot be said that the steps for acquisition are commenced.

59. There is another aspect of the matter. If we read Section 126 of the MRTP Act and the words used therein are given the verbatim meaning, then the steps commenced for acquisition of the land would not include making of an application

under Section 126 (1) (c) or the declaration which is to be made by the State Government under sub-section (2) of Section 126 of the MRTP Act.

60. On a conjoint reading of sub-sections (1), (2) and (4) of Section 126, we notice that Section 126 provides for different steps which are to be taken by the authorities for acquisition of the land in different eventualities and within a particular time span. Steps taken for acquisition of the land by the authorities under Clause (c) of Section 126(1) have to be culminated into Section 6 declaration under the LA Act for acquisition of the land in the Official Gazette, within a period of one year under the proviso to sub-section (2) of Section 126. If no such declaration is made within the time prescribed, no declaration under Section 6 of the LA Act could be issued under the proviso to sub-section (2) and no further steps for acquisition of the land could be taken in pursuance of the application moved to the State Government by the planning authority or other authority.

61. Proviso to sub-section (2) of Section 126 prohibits publication of the declaration after the expiry of one year from the date of publication of draft regional plan, development plan or any other plan or scheme. Thus, from the date of publication of the draft regional plan, within one year an application has to be moved under clause (c) of Section 126(1) which should culminate into a declaration under Section 6 of the LA Act. As per the proviso to sub-section (2)

of Section 126, the maximum period permitted between the publication of a draft regional plan and declaration by the Government in the Official Gazette under Section 126(2) is one year. In other words, during one year of the publication of the draft regional plan, two steps need to be completed, namely, (i) application by the appropriate authority to the State Government under Section 126(1)(c); and (ii) declaration by the State Government on receipt of the application mentioned in clause (c) of Section 126(1) on satisfaction of the conditions specified under Section 126(2). The only exception to this provision has been given under Section 126(4).”

29. Turning to the facts of this petition, admittedly technical sanction under section 45 (2) of the M.R.T.P Act has been issued in respect of Survey No.31/4 *qua* the subject land and the notices in view of section 49 and 127 of the M.R.T.P Act were duly served upon the respondents. Statutory time limit as per section 49 for completion of acquisition proceedings had commenced after the confirmation of purchase notice under section 49 (4) by respondent No.2. It was indeed obligatory on the part of respondent No.3 to complete acquisition proceedings within time bound schedule as has been prescribed by various authoritative pronouncements of the Supreme Court and the High Courts. Respondent No.3 now cannot

be heard to say about so-called typographical error in mentioning survey number. Admittedly, no declaration has been published within the statutory period of 24 months as per section 127 of the M.R.T.P Act. The period for computation reckon from the service of notice dated 2nd July, 2020. Admittedly statutory period ended on 1st July, 2022 and, therefore, reservation of the subject land lapsed. There was no application under section 126 (1) (c) of the M.R.T.P Act by the appropriate Authority to the State Government for acquiring the land in question under the new Land Acquisition Act, 2013. Respondent No.3 had not passed any resolution in that behalf authorizing some of its officers to make an application under section 126 (1) (c) to the State Government for acquiring the subject land.

30. The petitioner being joint owner of the subject land and interested person issued purchase notice under section 127 of the M.R.T.P Act. Purchase notice dated 29th June, 2020 has been duly served upon the respondents on 2nd July, 2020. Statutory period for 24 months had thus expired on 1st July, 2022. No Notification under section 126 (2) and (4) of the M.R.T.P Act r/w Section 19 of the New Land Acquisition Act has been issued or published. It is

thus, clear that no proper and complete steps for acquisition of the subject land owned by the petitioner have been taken by the respondent/s within the statutory period of 24 months and, therefore, reservation has lapsed.

31. As such, in the light of the aforesaid observations, inevitable conclusion is that reservation of the petitioner's land has lapsed and the same has become available to the petitioner to be developed as otherwise permissible, as in the case of adjacent land under the development plan.

32. Writ Petition, therefore, deserves to be allowed and is accordingly allowed in terms of prayer clauses (A) and (B).

33. The State Government is directed to notify the lapsing of the reservation by an order to be published in the Official Gazette as per the requirements of section 127 (2) of the M.R.T.P Act which shall be done as expeditiously as possible and preferably within a period of six weeks from today.

34. Rule is made absolute in the aforesaid terms with no order as to costs.

35. Writ Petition stands disposed of.

[URMILA JOSHI-PHALKE, J.] [PRITHVIRAJ K. CHAVAN, J.]