



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

WRIT PETITION NO. 2472 OF 2024

**NAVJEEVAN MAGASVARGIY NAGARI SAHAKARI PATSANSTHA
LTD SHRIGONDA THROUGH ITS CHAIRMAN**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS**

....

Mr. A. S. More, Advocate for the Petitioner

Mr. N. D. Batule, AGP for Respondent Nos. 1 and 2 – State

Mr. P. N. Khedkar, Advocate for Respondent No.3

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 06.09.2024

PER COURT :-

1. The Petitioner submits that in an identical reservation involving the same Respondent No.3 Municipal Council, this Court has passed an order on 09.01.2024. This Petitioner is identically placed with those Petitioners in Writ Petition No.9563 of 2023 (Shivnath Prabhakar Shinde Vs. The State of Maharashtra and others).

2. We are informed by the learned Advocates for the respective sides that in identical set of circumstances concerning

the same development plan, this Court has delivered a judgment dated 28.04.2023 in **Goraknath s/o. Kashinath Gore Vs. State of Maharashtra and Others (Writ Petition No.12031/2022)**. We are also informed that the Municipal Council has resolved vide a general body resolution dated 10.03.2021, not to acquire the land of the Petitioner for want of funds.

3. In view of the detailed judgment dated 28.04.2023 and considering the reasons set out therein, **this Writ Petition is allowed.** It is declared that the development plan reservation of the Writ land within the limits of Shrigaonda Municipal Council from the reservation site / C.T.S. No.279 admeasuring 714.7 mtrs., which was earmarked for a shopping centre, shall stand lapsed. The Respondent No.1 is directed to issue a notification in terms of Section 127(2) of the M.R.T.P. Act, for notifying the release of the above mentioned land within a period of 60 days.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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