



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

WRIT PETITION NO. 2698 OF 2024

1. Satish Kashmirilal Agrawal,
Age : 56 years, Occu : Agri & Business.
2. Vishal Kashmirilal Agrawal,
Age: 52 years, Occu.: Agri. & Business.
3. Gopal Ghanshyamdas Goyal,
Age: 43 years, Occu.: Agri. & Business.
4. Dinesh Ramkunwar Agrawal,
Age: 45 years, Occu.: Agri. & Business.
5. Pankaj Ramkunwar Agrawal,
Age: 47 years, Occu.: Agri. & Business.
6. Pawan Ramniwas Garg,
Age: 55 years, Occu.: Agri. & Business.
7. Jitendra Ramniwas Garg,
Age: 45 years, Occu.: Agri. & Business.

All R/o. Shrikrushna Rukhmini Nagar,
Jalna. Tq. And Dist. Jalna.

...PETITIONERS

VERSUS

1. The State of Maharashtra,
Through Department of Urban
Development, Mantralaya, Mumbai - 32
2. Principal Secretary, Department of
Urban Development, Mantralaya,
Mumbai - 32

3. The Collector, Aurangabad
4. Special Land Acquisition Officer
(Special Unit), Aurangabad.
5. City Industrial and Development
Corporation Ltd., Through its
Chief Administrator, Udyog Bhavan,
Town Centre, New Aurangabad - 431003
6. Administrator, New Towns,
City Industrial and Development
Corporation Ltd., Waluj Mahanagar,
Aurangabad
7. The Additional Town Planning
Officer, CIDCO, Waluj Mahanagar,
Aurangabad
8. Chatrapati Sambhajinagar (Aurangabad)
Metropolitan Region Development Authority,
Through its Metropolitan Commissioner,
Divisional Commissioner Office,
Delhi gate, Chatrapati Sambhajinagar
(Aurangabad).

...RESPONDENTS

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Shri S.S. Khoche, Advocate i/by Shri Devdatt P. Palodkar,
Advocate for the Petitioners.
Shri S.B. Narwade, AGP for Respondent Nos.1 to 4 and 8/State.
Shri V.P. Deshmukh, Advocate for Respondent Nos.5 to 7.

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CORAM : RAVINDRA V. GHUGE
&
R.M. JOSHI, JJ.

DATE :- 22nd April, 2024

ORAL JUDGMENT (Per Ravindra V. Ghuge, J.):-

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. There is no dispute that the Petitioners are owners and possessors of the land admeasuring 1 H 50 R in Gat No.129 and 3 H 2 R situated in Gat No.130 of village Valadgaon, Taluka and District Chhatrapati Sambhajnagar. The sanctioned development plan dated 14.08.2001, for the purpose of a garden, was notified by the CIDCO in the Waluj notified area. On 05.02.2019, the purchase notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (MRTP Act), was issued. Notice was served on the Planning Authority as well as the State Government. No steps were taken, save and except, that the Development Rights Certificate was offered by the Planning Authority.

3. The law laid down by the Honourable Supreme Court in *Girnar Traders vs. State of Maharashtra, (2007) 7 SCC 555, Girnar Traders vs. State of Maharashtra and others, (2011) 3 SCC 1* and *Shree Vinayak Builders and Developers*

vs. State of Maharashtra and others, (2022) 4 Mh.L.J. 739 (Full Bench), delivered by the Full Bench of this Court, squarely applies to the present case. No steps, as are expected in view of the law laid down in ***Girnar Traders (supra)***, have been initiated by the Planning Authority.

4. In view of the above, **this Writ Petition is allowed.**

The Planning Authority shall issue a letter to Respondent No.2, within 30 days from today, indicating that the reservation has lapsed. Respondent No.2 shall thereafter, issue a notification under Section 127(2) of the MRTP Act, within 90 days.

5. Rule is made absolute in the above terms.

kps (R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)