



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 WRIT PETITION NO. 3927 OF 2024

ASHOK RAMKISAN SIKCHI

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA THROUGH DEPARTMENT OF URBAN
DEVELOPMENT AND OTHERS

.....Respondents

.....

Mr. Devdatt P. Palodkar, Advocate for the Petitioner

Mr. S. R. Wakale, AGP for Respondents State

Ms. Snehal Kulkarni, Advocate for Respondent Nos. 5 to 7.

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 14th August, 2024

ORDER:

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

2. There is no dispute that the Petitioner is owner and possessor of the land admeasuring 600 square meters in Gat No. 42 of Village Golwadi, Taluka and District Chhatrapati Sambhajinagar. The sanctioned development plan dated 14.08.2001, for the purpose of a Library was notified by the CIDCO in the Waluj notified area. On 01.04.2022, 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 (DRC), was offered by the Planning Authority.

3. The learned Advocate for the CIDCO has canvassed that this Petition has been filed prematurely before expiry of two years from the date of service of the purchase notice. The notice has been prepared on 01.04.2022 and forwarded by post to the CIDCO, which reached the CIDCO on 04.04.2022. The period of 24 months would expire on 3rd April, 2024.

4. We are of the view that, whether the Petitioner files a Petition or not, would not be so relevant while calculating the period of two years, which already has been completed on 03.04.2024. Thereafter, it is for the CIDCO authority to declare that the reservation has lapsed. Since this is not done by the CIDCO, the Petitioner has rushed to this Court. This Petition has been filed on 04.04.2024.

5. 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 by the Full Bench of this Court in **Shree Vinayak Builders and Developers Vs. State of Maharashtra and others, (2022) 4 Mh.L.J. 739 (Full Bench)**, 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.

6. 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 60 days.

7. Rule is made absolute in the above terms.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan