



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

WRIT PETITION NO. 1390 OF 2021

**ARVIND KASHINATH GAJESHWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr. A. R. Syed, Advocate for Petitioners
Mr. S. K. Tambe, AGP for Respondent No.1
Mr. U. S. Patil, Advocate for Respondent No.2
Mr. R. R. Sancheti, Advocate for Respondent Nos.3-A, 3-B and 4
Mr. M. M. Bhokarikar, Advocate for Respondent No.5

....

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

DATE : 01.07.2024

PER COURT :-

1. Notice in this matter was issued on 25.01.2021. The Municipal Council was served by Court notice, on 19.03.2021. Since then, for the last 3 years and 3 months, no reply has been filed by the Municipal Council. Despite this matter being on board on several occasions, a reply was not filed. A last chance was granted on 02.02.2024 and time was granted till 23.02.2024. Yet reply is not filed.

2. The learned Advocate for the Petitioner is unable to point out as to whether the Council has taken any steps after receiving the purchase notice issued by the Petitioners, on 15.09.2014. Almost 9 years and 10 months have lapsed, and yet, the Municipal Council has not taken any steps in furtherance of Section 26 of the M.R.T.P Act.

3. It is, thus, an open and shut case. The reservation with regard to land CTS No.2281 admeasuring 41 R, situated at Raver, stands lapsed. The reservation was indicated for development of a shopping center.

4. We are informed that several family members are in litigation before the Civil Court for crystallizing their shares in the said property. Naturally, the lapsing of reservation would be subject to the individual shares of the litigating parties, which would depend upon the adjudication of the Special Civil Suit No.98 of 2014, SCS No.100 of 2014 and Regular Civil Appeal No. 29 of 2014.

5. In view of the above, **this Writ Petition is partly allowed.** The Municipal Council shall issue a communication to Respondent No.1 within a period of 30 days from today, indicating the details of

the reservation plan. Respondent No.1 would accordingly issue a notification under Section 127(2) of the M.R.T.P Act, within 90 days thereafter.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS