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

WRIT PETITION NO. 6404 OF 2024

1. Shri Varadvinayak Properties and
Consultancy Services, Jalgaon,
Through : Its Proprietor,
Satyasheel s/o Avinash Akole,
Age-65 years, Occu. Agril. & Business,
R/o Purnavad Bhavan, Purnavad Nagar,
Ring Road, Jalgaon
2. Arun s/o Narayan Patil,
Age: 61 years, Occu. Agril. & Business,
R/o Ainpur, Tq. Raver, Dist. Jalgaon,
3. Sulochana Arun Patil,
Age: 56 years, Occu. H.H. & Business,
R/o Ainpur, Tq. Raver, Dist. JalgaonPETITIONERS

VERSUS

1. State of Maharashtra,
Through : The Secretary,
Urban Development Department,
Mantralaya, Mumbai
2. Municipal Council, Savda,
Tq. Raver, Dist. Jalgaon,
Through its Chief OfficerRESPONDENTS

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Mr M. P. Tripathi, Advocate for Petitioners
Mr N. S. Tekale, A.G.P. for Respondent No.1
Mr B. S. Deshmukh, Advocate for Respondent No.2

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

DATE : 30th July, 2024

ORAL JUDGMENT (PER : Ravindra V. Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally by consent of the learned Advocates for the respective sides.

2. The learned Advocate for Respondent No.2 has tendered the affidavit-in-reply through Ms. Aishwarya Shirish Pingale, In-charge Town Planning Assistant, Municipal Council Savda, dated 27/07/2024.

3. The dates and sequence of events are as under :-

(a) The Petitioners are the lawful owners and possessors of Gut No.605 (0H-13.27 R) at Savda town, Tq. Raver, Dist. Jalgaon, to the extent of 11.41 R.

(b) By a revised Development Plan, dated 02/03/2006, the said property is reserved for the excluded part of Site No.20, for a shopping complex, w.e.f. 20/04/2006.

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(c) The land is not acquired for 10 years.

(d) The Petitioners issued a purchase notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short 'MRTP Act') on 11/07/2018.

(e) After 24 months, there has been no development.

4. The Municipal Council submits on the basis of the affidavit-in-reply that, though dates and sequence of events are admitted, the Municipal Council held a General Body Meeting, on 28/06/2016, and decided to develop Gut No.605. A proposal was forwarded to the District Collector, Jalgaon on 16/09/2016. However, there has been no development thereafter. We find from the said affidavit-in-reply that the situation has been stagnant.

5. It is obvious that the Respondent/Municipal Council has not initiated specific steps for acquisition of the said land, as is required under Section 126(2) of the MRTP Act. In view of the above, the present case is covered by the law laid down by the Hon'ble Supreme Court in **Girnar Traders Vs. State of**

(4)

Maharashtra & others, 2007 (7) SCC 555 : AIR (2007) SC 3180.

6. As such, **this Writ Petition is allowed** in terms of prayer clauses (B) and (C). The Municipal Council shall issue a communication to Respondent No.1 within 60 days from today. Respondent No.1 shall issue a Notification under Section 127 (2) of the MRTP Act within a period of 45 days, thereafter. If the Model Code of Conduct is introduced, the same shall not be an impediment for complying with these directions.

7. Rule is made absolute in the above terms.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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