



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

**938 WRIT PETITION NO. 8253 OF 2024
(Board dt.06.08.2024)**

**RAJU PUNAMCHAND CHUNGADE RAJPUT AND
ANOTHER**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH
DEPARTMENT OF URBAN DEVELOPMENT AND OTHERS**

...
Shri S.S. Khoche, Advocate i/by Shri Palodkar Devdatt P.,
Advocate for the Petitioners.

Ms.Neha Kamble, AGP for Respondent Nos.1 to 4/State.

Shri Vaibhav Deshmukh, Advocate for Respondent Nos.5 to 7.

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

DATE :- 07th August, 2024

Per Court :-

1. There is no dispute that the Petitioners are owners and possessors of the land admeasuring 0 H 62 R in Gat No.32 of village Golwadi, Taluka and District Chhatrapati Sambhajinagar. The sanctioned development plan dated 14.08.2001, for the purpose of a 'Tech College', was notified by the CIDCO in the Waluj notified area. On 03.10.2017, 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.

2. 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.

3. 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.