



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

WRIT PETITION NO. 8748 OF 2024

**USHA AMBADASRAO DHUMAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS**

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Shri Raviraj R. Chandak, Advocate for the Petitioners.
Shri N.S. Tekale, AGP for Respondent Nos.1 and 2/State.
Shri V.P. Deshmukh, Advocate for Respondent No.3.
Shri V.S. Deshmukh, Advocate for Respondent No.4.

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

DATE :- 28th August, 2024

Per Court :-

1. The Petitioners have put forth prayer clauses B and

C as under:-

“B) *To hold and declare that, the reservation on the land owned by present petitioners. bearing Gut No. 273 situated at Waluj (Bk). Tq. Gangapur, Dist. Aurangabad (Chh. Sambhajinagar) i.e. for D.P. No.3/126 (mini stadium), D.P. No. 3/127 (College), Growth Centre and 18 mtrs and 30 mtrs wide D.P. Road sanctioned in the development plan dated 14.08.2001 for Waluj, CIDCO notified area Dist. Aurangabad, has lapsed in view of the provisions of Sec.127 of the Maharashtra Regional and Town Planning Act, 1966.*

C) *By issuing Writ of Mandamus or any other*

order or directions in the like nature, the respondent authorities may kindly be directed to notify the lapsing of reservation over the land of the petitioners i.e. Gut No. 273 situated at Waluj (Bk), Tq. Gangapur, Dist. Aurangabad (Chh.Sambhajinagar), by publishing notification in official gazette U/sec. 127 (2) of the M.R.T.P. Act, 1966 forthwith.”

2. The learned Advocate representing the Respondent/ CIDCO submits, on specific instructions, that the properties at issue have been released from reservation since the de-notification is issued on 22.05.2023.

3. In view of the above statement, nothing would survive in this petition. **This Writ Petition is allowed in terms of prayer clauses B and C.**

4. Respondent No.1 shall issue an appropriate notification within a period of 90 days from today.

5. The introduction of the Model Code of Conduct would not be an impediment for implementing this order.