



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 13231 OF 2023

Ramesh Khushal KolhePetitioner

VERSUS

The State of Maharashtra & OthersRespondents

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Mr. D.S. Bagul, Advocate for the Petitioner

Mr. S. K. Tambe, AGP for Respondent Nos. 1 and 2.

Mr. M. V. Navandar, Advcoate for Respondent No. 3.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 23rd FEBRUARY, 2024.

PER COURT :

1. Heard the learned Advocates for the respective parties.
2. The learned Advocate appearing on behalf of the Acquiring Body / Municipal Corporation, Jalgaon submits that there are certain internal disputes between the Petitioner and his relatives. The Corporation had offered TDR to the Petitioner, which is not accepted.
3. The issue raised by the Corporation is no longer *res integra* in the light of the Full Bench judgment of this Court in Shree

Vinayak Builders & Developers Vs. the State of Maharashtra and Others, **(2022) 4 Mh.L.J. 739 : (2022) DGLS (Bom.) 2061**, keeping in view the law laid down in Girnar Traders Vs. State of Maharashtra and Others, **AIR (2007) SC 3180 : (2007) 7 SCC 555**. As such, offering TDR is not considered to be a step towards acquisition of the land which is under reservation.

4. In view of the above, **this Writ Petition is allowed**. The Corporation shall forward the proposal to Respondent No. 1 for releasing the land from reservation, within 30 days from today. Needless to state, Respondent No. 1 shall thereafter issue the necessary Notification within a period of 90 days.

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

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