



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 3760 OF 2022

(Krushna Shrawan Nagrare and others ..vs.. State of Maharashtra, through its Secretary, Department of Urban Development, Mantralaya, Mumbai and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Uday Dable, Counsel for the petitioners,
Mr. N.S. Rao, AGP for respondent No.1,
Mrs. S.S. Jachak, Counsel for respondent No.2.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**
DATED : 16-04-2024

Heard.

2. The petitioners claim to be the owners of land Khasra No.113/2 situated at Mouza-Nari, Tahsil and District Nagpur.

3. In the development plan, the aforesaid land came to be reserved for Play Ground, Primary School and the D.P. Road.

4. According to him, post aforesaid reservation a scheme came to be sanctioned by the competent authority vide order dated 31-7-2006 in relation to the aforesaid land.

5. As a sequel of above, the petitioners with an intention to implement the scheme issued purchase

notice under Section 127 of the Maharashtra Regional and Town Planning Act (hereinafter referred to as the 'MRTP Act') to the respondents. The respondents have neither released the land from the reservation nor acquired the same. As such, this petition for issuance of appropriate directions.

6. The learned Counsel for respondent No.2- Planning Authority submits that in case the petitioners approach afresh before respondent No.2, respondent No.2 shall take appropriate decision in the matter within a reasonable period.

7. We have appreciated the aforesaid submissions.

8. The fact remains that post development plan reservation, the issuance of notice by the petitioners under Section 127 of the MRTP Act could be notice at Page No.54 (Annexure-P4). Said notice was already addressed to respondent No.2 and it was for the respondent No.2 to take decision in the matter. In spite of receipt of notice dated 22-10-2019, respondent No.2 has not taken any step in the matter.

9. In the aforesaid background, this Court is left with no other option but to direct respondent No.2 to deal with the issue as regards release of the land of the petitioners from reservation and also their purchase notice dated 22-10-2019, as expeditiously as possible,

and in any case within a period of twelve weeks from the production of copy of this order.

10. The petition stands partly allowed in above terms.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

adgokar