

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.905 OF 2019

Shri Kona s/o Krishnarao Nayudu and ors.

..vs..

State of Maharashtra and ors.

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

Court's or Judge's orders

Shri P.V. Ghare, Advocate for the petitioners.

Ms Khan, A.G.P. for the State.

Shri Abhay Sambre, Advocate for respondent no.2.

CORAM: VINAY JOSHI AND SMT. M.S. JAWALKAR, JJ.
DATED : 18/07/2024.

Heard.

2. The petitioner is the owner of land bearing plot Nos.6753/1 and 6753/2 situated at Civil Lines, Wardha. It is the petitioner's contention that the said piece of land was reserved in Development Plan as open space. On completion of statutory period the petitioner has issued a purchase notice under Section 127 (1) of the Maharashtra Regional and Town Planning Act (for short hereinafter referred to as 'the MRTP Act'), 1966 but it was rejected on the ground that the provisions of Section 127 of the MRTP Act are not applicable.

3. The petitioner is seeking a declaration that the aforesaid land is not a reserved land for any purpose. The petitioner has attracted our attention to the Map annexed to Development Plan showing the concern piece of land as open space and play ground.

The respondent-State took a stand that the said land is not reserved for open space in the Development

Plan, that may be demarcated as open space in the layout of the Society. The respondent gave clarification in that regard in paragraph 5 of the reply and further states that in the sanctioned Development Plan there is no designated reservation of disputed land.

4. In view of that, we hereby clarify that the subject matter of this petition i.e. plot Nos. 6753/1 and 6753/2 situated at Civil Lines, Wardha are not the part of reservation in Development Plan.

5. The petition stands disposed of accordingly.

(SMT. M.S. JAWALKAR, J.)

(VINAY JOSHI, J.)

Trupti