

(Corrected Copy)



Corrections have been carried out in view of the speaking to minutes of the order dated 27.01.2025.)

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

Writ Petition No. 12086 Of 2022

WITH

Writ Petition No. 11996 Of 2022

WITH

Writ Petition No. 12066 Of 2022

1. Premabai @ Premlata Chandmal Agrawal
Since Deceased through Legal Representative
Rupesh Chandmal Agrawal
Age : 49 years, Occupation-Business,
R/o. Row House No.8, Happy Home Phase-II,
Gut No.33, Anand Vihar, Near Wood Ridge,
High School, Itkheda, Paithan Road,
Aurangabad-431005.
2. Mangalabai @ Mangala Chandmal Agrawal,
Age : 72 years, Occupation-Household,
R/o. Row House No.8, Happy Home Phase-II,
Gut No.33, Anand Vihar, Near Wood Ridge,
High School, Itkheda, Paithan Road,
Aurangabad-431005.

.. Petitioners

Versus

1. The State of Maharashtra,
Through Principal Secretary,
Urban Development Department,
Mantralaya, Mumbai-32.
2. The Director of Town Planning
Central Building, Pune – I.
3. The Joint Director of Town Planning,

Aurangabad.

4. The Aurangabad Municipal Corporation,
Aurangabad, Through Municipal Commissioner,
Aurangabad.
5. The Municipal Commissioner,
Aurangabad Municipal Corporation,
Aurangabad.
6. The Administrator,
Aurangabad Municipal Corporation,
Aurangabad.
7. The Assistant Director of Town Planning,
Aurangabad Municipal Corporation,
Aurangabad.
8. The Aurangabad Municipal Corporation
Through Commissioner,
Aurangabad.
9. The Town Planner,
Aurangabad Municipal Corporation,
Aurangabad.

.. Respondents

- * Mr. Ameya N. Sabnis a/w Mr. Pranav Dhakne, Advocate for the Petitioners.
- * Mr. D.R. Korade, AGP for Respondent Nos. 1 to 3/State.
- * Mr. S.S. Tope, Advocate for Respondent Nos. 4 to 9.

**CORAM : S.G. MEHARE AND
SHAILESH P. BRAHME, JJ..**

DATE : 16th JANUARY 2025

PER COURT :

- . Heard both the sides finally at the admission stage.
2. At the request of both the sides, we called for papers of Writ Petition No.11996/2022 and Writ Petition No.12066/2022 which were not on board. All the petitions are decided by this common order.
3. Yesterday we heard and disposed of Writ Petition No.12085/2022 filed by present petitioners only in respect of identical facts and circumstances and the subject matter. By reasoned order, Writ Petition was allowed upholding lapsing of reservation with further direction to issue notification under Section 127(2) of the Maharashtra Regional and Town Planning Act, 1966. The parties are unanimous that the present petitions can also be disposed of in terms of the judgment and order passed in Writ Petition No.12085/2022.
4. We have carefully examined relevant facts of the present petitions. The subject matter of the petitions are part of land Gut No.33 situated at Itkheda reserved for School, Playground and Garden by Reservation Nos. 12, 10 and 9 respectively. The reservation was clamped by development plan dated 15.10.1991. Petitioners issued distinct purchase notices of 05.10.2020 alongwith 7/12 extract.
5. The correspondence between the parties is identical with the correspondence in Writ Petition No.12085/2022. The submission of the parties are also identical. We propose to adopt

the same course and reasons in granting reliefs to the petitioners in the present matters also. In present matters also, a case is made out by the petitioners for lapsing of reservation under Section 127 of the Act. We, therefore, pass following order :

ORDER

- (i) Writ Petitions are allowed.
- (ii) Reservation No.12 in Writ Petition No.12086/2022; Reservation No.10 in Writ Petition No.11996/2022 and Reservation No.9 in Writ Petition No.12066/2022 over land Gut Nos.31 and 33, situated at Itkheda, Chhatrapati Sambhajinagar shall stand lapsed and the subject matter shall stand de-reserved.
- (iii) The Respondent No.1 shall issue notification under Section 127(2) expeditiously.

[SHAILESH P. BRAHME]
JUDGE

[S.G. MEHARE]
JUDGE

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