



Ingale

901-wp-2227-10.odt

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2227 OF 2010

New Lotus Co-operative Housing
Society Ltd., a Co-operative
Society duly registered under the
Provisions of the Maharashtra
Co-operative Societies Act, 1960,
bearing Registration No.PNA/PNA/
(1)/HSG/(TO)/603/2000-2001,
having Office at Dealing Center,
Office No.4, Velankar Nagar,
Near Mitramandal Post Office,
Pune – 411 009

... Petitioner

Versus

1. The State of Maharashtra,
through its Secretary to the
Ministry of Urban Development
Department, having Office at
Mantralaya, Mumbai – 400 023.
2. The Municipal Corporation of
the City of Pune, having
Office at Mahapalika Bhavan,
Shivajinagar, Pune, through
Its Municipal Commissioner.
3. The Collector, Pune.
4. The Special Land Acquisition
Officer No.15, Pune, having
Office at Pune Municipal
Corporation Regional Office
Building, 3rd floor, Tilak
Road, Above State Bank of
India, Pune – 411 002.

.... Respondents

**WITH
CIVIL APPLICATION NO.2092 OF 2012 (for stay)
IN
WRIT PETITION NO.2227 OF 2010**

New Lotus Co-operative Housing
Society Ltd.,
Bearing registration No.
PNA/PNA/(1)/Hsg/(TO)/603/2000-01,
Having office at
Dealing Center, Office No.4,
Velankar Nagar,
Near Mitra Mandal Post Office,
Pune – 411 009

... Applicant
(Orig. Petitioner)

Versus

1. State of Maharashtra,
(Through its Secretary,
Ministry of Urban Development Department,
Mantralaya, Mumbai – 400032)
2. Municipal Corporation of the City of Pune,
Having office at Mahapalika Bhavan,
Shivajinagar, Pune
Through its Municipal Commissioner,
3. The Collector,
Having office at
Office of the Collector,
Pune
4. Special Land Acquisition Officer,
Officer No.15, Pune,
Having office at Pune Municipal Corporation
Regional Office Building,
3rd floor, Tilak Road,
Above state Bank of India,
Pune 411 002

... Respondents
(Orig. Respondents)

**WITH
INTERIM APPLICATION NO.723 OF 2019
IN
WRIT PETITION NO.2227 OF 2010**

1. Smt. Kusum Shankar Bathe
Age:-78 Occ:-Household/Retired
Residing At Bathe Chawl Mavle Ali
Karvenagar Pune 411 052.

2. Shri Devidas Shankar Bathe
Age:-56 Occ:-Agriculturist
Residing At:Archana Housing
Society Near Ganesh Nagar,
Karvenagar,
Dist. Pune 411 052

... Applicants

IN THE MATTER BETWEEN

1. New Lotus Co-Operative Housing
Society Ltd.
A Co-operative society duly registered Under the
provision of Maharashtra Co-operative societies
Act 1960 bearing
Registration No.PNA/PNA (HSG)/
(TO)603/2000/2001
Having office at Dealing Center,
Office No.4, Velankar Nagar,
Near Mitramandal Post Office,
Pune – 411 009.

... Petitioner

Versus

1. The State of Maharashtra
Through its Secretary to the
Ministry of Urban Development
Department, having office at
Mantralaya, Mumbai – 400 023

2. The Municipal Corporation of The
City of Pune
Having office at Mahapalika Bhavan,

Shivajinagar, Pune
through its Municipal Commissioner,

3. The Collector Pune,
 4. The Special Land Acquisition Officer
No.15, Pune
Having office at Pune Municipal Corporation
Regional Office, Building,
3rd floor, Tilak Road,
Above state Bank of India,
Pune 411 002
- ... Respondents

**WITH
WRIT PETITION NO.5525 OF 2016**

New Lotus Co-operative Housing Society
Having office at Dealing Centre,
Office No.4, Welankar Nagar, Near Mitra Mandal
Post Office, Pune 411 009
Through its Chairman Arvind Nanbhau
Gawade, Age 48 years, Occ. Service
R/o Survey No.36/12, Keshav Nagar,
Dhankawdi, Pune – 411 043

... Petitioner

Versus

1. The State of Maharashtra,
Urban Development Department,
Through its Principal Secretary
Having office at Mantralaya,
Madam Cama Road, Mumbai 400032
2. The Director
Town Planning, Maharashtra State
Having office at Central Building
Opp. Sasoon Hospital, Pune 411 001

3. The Chairman
Government Appointed Committee
Revised Development Plan, Pune
And Divisional Commissioner,
Pune Division, Council Hall
Pune 411 001
 4. The Pune Municipal Corporation
Through its Municipal Commissioner
P.M.C. Building, Near Mangala Theatre
Shivaji Nagar, Pune 411 005
- Respondents

**WITH
INTERIM APPLICATION NO.3590 OF 2021
IN
WRIT PETITION NO.5525 OF 2016**

1. Smt. Kusum Shankar Bathe
Age:-78 Occ:-Household/Retired
 2. Shri Devidas Shankar Bathe
Age:-56 Occ:-Agriculturist
Both Residing At Bate Mala,
Survey No.39/1 And 40/1
Karvenagar, Tal Haveli
Dist. Pune 411 052
- ... Applicants

IN THE MATTER BETWEEN

1. New Lotus Co-Operative Housing
Society Ltd.
A Co-operative society duly registered Under the
provisions of Maharashtra Co-operative societies
Act 1960 bearing Registration No.PNA/PNA (HSG)/
(TO)603/2000/2001
Having office at Dealing Center,
Office No.4, Velankar Nagar,
Near Mitramandal Post Office,
Pune – 411 009.
- ... Petitioner

Versus

1. The State of Maharashtra
Through its Secretary to the
Ministry of Urban Development
Department, having office at
Mantralaya, Mumbai – 400 023
 2. The Municipal Corporation of The
City of Pune
Having office at Mahapalika Bhavan,
Shivajinagar, Pune
through its Municipal Commissioner,
 3. The Collector Pune,
 4. The Special Land Acquisition Officer
No.15, Pune
Having office at Pune Municipal Corporation
Regional Office, Building,
3rd floor, Tilak Road,
Above state Bank of India,
Pune 411 002
- ... Respondents

Adv. Surel Shah, Senior Advocate a/w Adv. Amey Deshpande, Adv. Ganesh Misal, Adv. Rohit Chavan, Adv. Sunil Dude, Adv. Sandesh Darade, Adv. Venkatesh Shinde i/b. Adv. Vishal Kale, for the petitioners.

Smt. Neha S. Bhide, GP a/w Smt. G. R. Raghuwanshi, AGP, for the respondent-State in WP/2227/2010.

Mr. O. A. Chandurkar, Addl.G.P. a/w Smt. Tanu N. Bhatia, AGP, for the respondent-State in WP/5525/2016.

Adv. Abhijit P. Kulkarni a/w Adv. Sweta Shah, for the respondent-BMC.

**CORAM : M. S. KARNIK &
S. M. MODAK, JJ.**

DATE : 23rd APRIL, 2026

JUDGMENT (PER M. S. KARNIK, J.) :

1. Heard learned counsel for the parties. Since common issues are involved in these petitions, the same are disposed of by this common order. For convenience, facts of Writ Petition No. 2227 of 2010 are referred.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks the following substantive reliefs.

“a) This Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order and/or direction in the nature of Writ of Mandamus thereby directing the Respondents herein to forthwith stop and cancel all the process and steps being taken by them for acquisition of land admeasuring 1 Hectare 60 Ares from Survey No.40/1 and admeasuring 37 Ares from Survey No.39/1 of Village Karvenagar, earlier known as Hingane (Budruk of District Pune under the provisions of Maharashtra Regional & Town Planning Act, 1966 r/w provisions of Land Acquisition Act, 1894.

b) That this Hon'ble Court may be pleased to hold and declare that the reservation for High School numbered as HS-15 in the sanctioned revised final Development Plan of the Pune Municipal Corporation, which has been published on 5.1.1987 in respect of area admeasuring 1 Hectare and 60 Ares of land from Survey No.40/1 and admeasuring 37 Ares from Survey No.39/1 of Village Karvenagar, earlier known as Hingane (Budruk) of District Pune has elapsed u/s 127 of Maharashtra Regional & Town Planning Act, 1966 on account of failure of Respondent No.2 Pune Municipal Corporation to take steps for acquisition within six months of the date of service of notice dated 18.9.2001 on 26.9.2001 and be further pleased to hold and declare that the said land is available for use in accordance with the user permissible for the adjoining land namely for residential/commercial purpose, as permissible.

c) That this Hon'ble Court may be pleased to issue a Writ of Certiorari or any other appropriate Writ Order and or direction in the nature of Certiorari thereby quashing and setting aside Resolution No.1593

dated 10.3.2005 passed by the Standing Committee of the Pune Municipal Corporation being Exhibit "F" to this Writ Petition and the order dated 30.7.2007 passed by the Collector, Pune being Exhibit "I" to this Writ Petition."

3. The subject matter is a plot of land bearing Survey Nos.39/1 and 40/1 of Village Karvenagar earlier known as Hingane (Budruk) admeasuring 37 Ares and 1 Hector 60 Ares respectively. So far as Writ Petition No. 2227 of 2010 is concerned, the petitioner seeks a declaration that the land is free from reservation and the reservation has lapsed in view of the purchase notice issued by the petitioner under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 ('MRTP Act' for short) on 18/09/2001 and as no steps having been taken towards acquisition thereof within a period of 6 months from the receipt of the said purchase notice. During the pendency of Writ Petition No. 2227 of 2010, the State Government sanctioned the development plan for Pune City in the year 2013 by which the reservation of the petitioner's land was changed from 'HS-15' (High School) to 'PG-34' (Playground). This change in reservation has been challenged in Writ Petition No. 5525 of 2016 as it is the case of the petitioner that the same has been carried out after the reservation lapsed in view of the purchase notice. It is the petitioner's case that on the

reservation itself lapsing, subsequent change in reservation is a nullity.

4. The petitioner is a society registered under the provisions of the Maharashtra Cooperative Societies Act, 1960. The first development plan was declared for Pune City on 15/08/1966. The subject land was reserved for High School (HS-15). The second development plan was declared for Pune City and was sanctioned on 05/01/1987. The subject land continued to be reserved for High School (HS-15). The petitioner acquired the subject land under a registered Deed of Sale on 02/08/2000.

5. Thereafter, the petitioner issued a purchase notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 ('MRTP Act', for short) on 18/09/2001. It is the case of the petitioner that the reception room (Swagat kaksh) of the respondent no. 2- the Municipal Corporation of City of Pune ('Corporation' for short) shows that the purchase notice was received on 26/09/2001. The time limit for the respondent no. 2 to initiate acquisition proceeding lapsed on 26/03/2002 i.e. 6 months after receipt of the said purchase notice. On 02/07/2002

the Standing Committee of respondent no. 2 passed resolution no. 470, resolving to commence the acquisition proceedings of the subject land. The respondent no. 2 passed resolution no. 1593 on 10/03/2005, approving the acquisition proposal for the subject land on the basis of Standing Committee Resolution No.470. The Assistant Engineer of the respondent no. 2 prepared Demarcation Certificate of the subject land on 09/11/2005 and prepared a proposal for acquisition in Form "B" on 10/11/2005. The agreement between respondent no. 2 and respondent no. 1-State of Maharashtra for acquisition of subject land for the purposes of High School was executed on 05/06/2007. The Collector, Pune passed an order appointing Special Land Acquisition Officer-15 ('SLAO', for short) for acquisition of the subject land on 30/07/2007. The SLAO issued a notice for the survey of the subject land on 29/08/2007. The City Survey Officer No.1, Pune issued notices for joint survey of subject land on 30/01/2009. The present Writ Petition No. 2227 of 2010 was filed before this Court on 09/11/2009.

6. The Corporation filed affidavit-in-reply primarily raising the following grounds:-

(i) That the purchase notice dated 18/09/2001 is not traceable with the respondent no. 2-Corporation.

(ii) That in any case, the said notice dated 18/9/2001 was not a valid Notice as required under Section 127 of the MRTP Act.

7. The petitioner made an application under the provisions of the Right to Information Act, 2005 ('RTI Act', for short), seeking information and documents pertaining to further process of reservation/acquisition. The Special Executive Officer of the Land Acquisition Office addressed a letter dated 12/01/2012 to Public Relation Officer of the respondent no. 2 with reference to petitioner's query under RTI Act informing as follows:-

(i) Notice dated 18/09/2001 was received by Reception of Pune Municipal Corporation on 26/9/2001.

(ii) The acknowledgment of the said notice states that the said notice was sent to City Engineer Office (Development Plan) for further action.

8. The Public Relation Officer of the respondent no. 2 addressed a letter dated 19/01/2012 to Special Executive Officer, Land Acquisition Office regarding receipt of purchase notice dated 18/09/2001 that it was received on 26/09/2001 and on the same

day it was sent to City Engineer for further action. The Special Officer of the respondent no. 2 addressed a letter to Executive Engineer of the Corporation on 02/02/2012 stating that the purchase notice dated 18/09/2001 (received by the respondents on 26/09/2001) was sent to Town Planning Department for further action on the same day. The Special Executive Officer of the Land Acquisition Office addressed a letter to the Additional Collector and Competent Authority on 10/02/2012 acknowledging that a purchase notice was received by the Corporation and that the acquisition proposal was submitted by the Corporation and that Writ Petition No. 2227 of 2010 was filed by the society.

9. Respondent no. 2 prepared the Draft Development Plan for City of Pune under Section 26(1) of the MRTP Act. The subject land, which was earlier designated as HS-15 (High School), was re-designated as PG-34 (playground). On 25/04/2013, the petitioner addressed a letter to respondent no. 2 and protested about re-designation of the petitioner's land, particularly in view of the purchase notice dated 18/09/2001 and lapsing of the reservation on the subject land. The connected Writ Petition No. 5525 of 2016 was filed on 03/05/2006 challenging the

Development Plan finalization process in which the subject land was sought to be re-designated in the proposed Development Plan.

10. It is the submission of Mr. Shah, learned Senior Advocate for the petitioner that the reservation of the land in Development Plan has lapsed by virtue of notice dated 18/09/2001 under Section 127 of the MRTP Act for want of any steps for acquisition of the said lands within six months of service of purchase notice. Learned Senior Advocate advanced the following submissions:

(i) That, the subject land was to be acquired within 10 years from the adoption of the First and Second Development Plans dated 15/08/1966 and 05/01/1987 respectively, in accordance with Section 127 of the MRTP Act, which was not undertaken.

(ii) That thereafter, even upon issuance of purchase notice dated 18/09/2001 under Section 127, the Corporation failed to take any steps within the stipulated period of 6 months, upon expiry of which the reservation on the subject land stood lapsed.

(iii) That, the contention of the respondents-Corporation that the said notice was not served upon the Corporation and the ground taken in the affidavit-in-reply that the notice is not found in the

record of the Corporation is untenable considering the reply of the Special Executive Officer, of the Land Acquisition Office to the Public Relation Officer with reference to the petitioner's query, which suggested that the said notice was received by the reception of the Corporation on 26/09/2001 and that the acknowledgment of the said notice states that the notice was sent to City Engineer Office (Development Plan) for further action.

(iv) That, the petitioner is entitled for benefit of deemed lapsing of reservation on failure and delay of almost 60 years on the part of the respondents to acquire the subject property from the year 1966.

(v) That, the respondent-Corporation's understanding of the notice dated 18/09/2001 as a purchase notice under Section 127 of the MRTP Act can be evinced from the letter dated 10/05/2012 addressed by the Special Officer of respondent no. 2 to the Additional Collector and Competent Authority.

(vi) That, the purpose of a notice under Section 127 is to inform the Corporation or Planning Authority that the land reserved under the Development Plan has not been acquired for a period exceeding ten years from the date of its sanction. Upon service of

the notice, if the Corporation or Planning Authority fails to take steps toward acquisition within the prescribed period (six months in this case), the reservation is deemed to have lapsed by operation of law.

11. Learned Senior Advocate relied upon the following decisions in support of his submissions.

a) **Jyoti Baliram Thorat and ors. Vs. Mumbai Metropolitan Region Development Authority and ors.**¹

b) **Jaika Vanijya Ltd. Nagpur and anr. Vs. State of Maharashtra and ors.**²

12. Mr. Abhijit Kulkarni, learned counsel appearing for the respondents no. 2, 3 and 4 - Corporation invited our attention to the affidavit-in-reply filed on behalf of the Corporation and advanced the following submissions:

(i) That, the present writ petition is barred by delay and laches, given that the same has been filed on 09/11/2009 after a lapse of nine years from the purported date of the notice i.e. 18/09/2001 under Section 127.

¹ Decision of this Court in Writ Petition (L) No. 19414 of 2024 dated 30/01/2026

² 2013(4) Mh.L.J. 161

(ii) That, the notice dated 18/09/2001 which the petitioner claims to have served on the Corporation is not traceable in the record of the respondent- Corporation and hence the veracity of the claim of the Petitioner that the same was served is doubtful.

(iii) That, even if the purchase notice was duly served, the contents of the same are not in accordance with the provisions of Section 127 as the notice cannot be construed to be a request to the Town Planning Authority for purchase of the subject land, but on the contrary the notice seeks minor modification of the development plan in respect of the reservation of the subject land under Section 37.

(iv) That, the notice has not been served upon the appropriate authority (Municipal Commissioner) though the same has been addressed to the Municipal Commissioner and the receipt/acknowledgment of the submission of the said notice at page 5 of the compilation of additional documents submitted by the petitioner suggests that the said notice was in fact served upon the City Engineer Office (Development Plan).

(v) That, the copy of the said notice produced before this Court does not carry the signature and seal of the Corporation, which would have otherwise clearly established that the said notice was indeed served upon the Corporation.

(vi) That, the land is now reserved for playground and open spaces, which are a need of the hour and that the Corporation is ready and willing to submit a fresh proposal for acquisition of the subject land as per law, within a period of four weeks and deposit 30% of the due amount within three weeks from the date of communication of the said fresh proposal from the office of the SLAO, thereby balancing the equities.

13. Learned counsel relied upon the following decisions in support of his submissions.

- a) **Mr. Nilesh Prakashrao More Vs. State of Maharashtra and ors.**³
- b) **Prafulla C. Dave and ors. Vs. Municipal Commissioner and ors.**⁴

14. We have heard learned counsel for the parties. We have perused the materials on record.

³ Decision of this Court in Writ Petition No. 5798 of 2023 dated 27/03/2026.

⁴ (2015) 11 Supreme Court Cases 90

15. The first objection of the Corporation is that the purchase notice dated 26/09/2001 was never received by the office of the Corporation. A copy of the purchase notice is annexed at page 76 of the Writ Petition No. 5525 of 2016. On perusal of the same, it is seen that there is acknowledgment of the receipt of notice. With reference to the query made by the petitioner under RTI Act, the letter dated 12/01/2012, addressed by the Special Executive Officer of the Land Acquisition Office to Public Relation Officer, reveals that the notice dated 18/09/2001 was received by the reception of the Corporation on 26/09/2001. The acknowledgment of the said notice further states that the said notice was sent to City Engineer Office (Development Plan) for further action. It is important to note that the letter dated 10/05/2012 of the Special Executive Officer of the Land Acquisition Office addressed to Additional Collector and Competent Authority clearly acknowledges that purchase notice was received by the Pune Municipal Corporation. What further substantiates receipt of notice is the further mention in the letter that the acquisition proposal was submitted by the Pune Municipal Corporation and that subsequently the present Writ Petition No.

2227 of 2010 was filed by the Society. These materials clearly make the stand of the Corporation that the notice was never received, untenable. The responses under the RTI Act are not disputed. Once there is ample material to demonstrate due service of notice under Section 127 and considering the correspondence of the Corporation itself, indicating that it is pursuant to the notice dated 18/09/2001 received by reception of the Corporation on 26/09/2001 that proceedings were initiated by the Corporation to acquire the land, it is obvious that the notice was acted upon. Now for the Corporation to say that the purchase notice was never received, or that it is not a valid notice under Section 127 or that the notice is not traceable in the office of the Corporation, apart from being unfair to the property owner whose land has been blocked for so long, is an argument which can only be stated to be rejected. Therefore, we find that notice under Section 127 of the MRTP Act was duly received by the Corporation on 26/09/2001.

16. The next stand of the learned counsel for the Corporation is that the notice was not served on the appropriate authority. We find that the notice addressed to the Commissioner, Pune Municipal Corporation has been received by the reception.

Pursuant to the service of the notice, the same was forwarded to the City Engineer Office (Development Plan) for further action. In fact, on 02/07/2002, the Standing Committee of respondent no.2 passed a resolution no. 470 resolving to commence the acquisition proceedings of the subject land. Respondent no.2 – Director of Town Planning passed a resolution no. 1593 approving the acquisition proposal of the subject land on the basis of Standing Committee Resolution No. 470. The Assistant Engineer of the respondent no. 2 prepared proposal for acquisition in Form B on 10/11/2005. An agreement was executed between the respondent no. 2 and the respondent no. 1 on 05/06/2007 for acquisition of the subject land for the purposes of High School. The acquisition proceedings were not taken to the logical conclusion. The Corporation clearly understood the notice to be under Section 127. To take a stand that the notice was not served on the appropriate authorities despite initiating steps towards acquisition not only acts unfairly on the petitioner, but the said stand is obviously taken to defeat the claim of the petitioner on frivolous grounds. Considering these materials, the objection raised by the Corporation that the notice is not served on the Planning

Authority, must fail. The Corporation clearly understood that the notice issued by the petitioner is under Section 127 of the MRTP Act and accordingly took further steps for acquiring the said land. Having taken steps pursuant to the issuance of the purchase notice under Section 127 towards acquisition of the land, for the Corporation then to take a stand that the notice was not served on the Planning Authority, is untenable. We therefore hold that the notice was duly served on the Planning Authority.

17. The next stand of the learned counsel for the Corporation is that the notice dated 18/09/2001 being a composite notice, the same does not accord with the provisions of Section 127 of the MRPT Act for it to be a valid notice. A plain reading of the notice indicates that the composite notice was issued by the petitioner to the Corporation under Section 37 read with Section 127 of the MRTP Act. The land in question was under reservation for High School (HS-15) for many years. It was in such circumstances that the petitioner issued the said notice under Section 37 for changing the reservation from High School to housing. A request was made for minor modification of the Development Plan. In the notice it was indicated by way of abundant caution that the notice dated

18/09/2001 be treated as notice under Section 127 of the MRTP Act. Section 127 of the MRTP Act as it stood at the relevant time prior to the amendment is extracted for the facility of reference which reads thus:

“127. Lapsing of reservations. If any land reserved, allotted or designated for any purpose specified in any plan under this Act is not acquired by agreement within ten years from the date on which a final regional plan, or final development plan comes into force or if proceedings for the acquisition of such land under this Act or under the Land Acquisition Act, 1894, are not commenced within such period, the owner or any person interested in the land may serve notice on the planning authority, development authority or as the case may be, appropriate authority to that effect; and within six months from the date of the service of such notice, the land is not acquired or no steps as aforesaid are commenced for its acquisition, the reservation, allotment or designation shall be deemed to have lapsed, and thereupon the land shall be deemed to be released from such reservation, allotment or designation and shall become available to the owner for the purpose of development as otherwise, permissible in the case of adjacent land under the relevant plan.”

18. In our opinion, so long as the requirements of valid notice under Section 127 are satisfied, it is hardly of any consequence if the notice issued to the Corporation is a composite notice. Moreover, the Corporation has clearly understood it to be notice under Section 127 of the Act. Section 127 does not prohibit the issuance of a composite notice. As the notice was served on the Planning Authority, it therefore proceeded to take steps for acquisition of the subject land. The ownership of the subject land or title of the petitioner or that the petitioner has interest in the

said land is not disputed by the Corporation. The Corporation did not initiate any steps for acquisition of the land within a period of 6 months from the date of the service of the said notice. Even the acquisition which commenced after the period of 6 months has not been taken to the logical conclusion.

19. The objection of the learned counsel for the Corporation that the service of the said notice was not carried out in the manner contemplated under Section 136 of MRTP Act can only be stated to be rejected. Once it is seen on the own showing of the Corporation that by virtue of the letter dated 10/05/2012 addressed to the Additional Collector and Competent Authority that the Corporation has received a purchase notice and in fact the notice was acted upon, the objection regarding service of notice not being valid must fail. The very purpose of issuing of notice under Section 127 of the MRPT Act is to ensure that the Corporation takes appropriate steps for acquiring the land within 6 months and if no such steps are taken as per the requirement of Section 127, then such reservation lapses and the land becomes available to the owner for development/user in accordance with the provisions of law.

20. Another objection raised by the petitioner is on the ground of delay and laches. We have come to the conclusion that a valid purchase notice under Section 127 of MRTP Act was served and it is on the Corporation failing to take steps for acquisition of the subject land within a period of 6 months as stipulated under Section 127 that the reservation lapsed. Once the consequence of lapsing attains finality, there is no question of defeating the rights of a lawful owner on the ground that the petition is belated. In fact the petitioner waited for a long time obviously because the Corporation had started the acquisition proceedings. Merely because the acquisition proceedings did not reach its logical conclusion, is no reason to deprive the petitioner of the consequence of the lapsing of reservation. The reservation for all practical purposes has lapsed by operation of law.

21. The decision relied upon by learned counsel for the Corporation in case of **Prafulla C. Dave and ors.** (*supra*) does not further the case of the Corporation since we find that there is service of valid purchase notice under Section 127 and therefore on facts, the case before the Supreme Court is distinguishable.

22. The writ petition is allowed. It is declared that the reservation of the subject land involved in this petition has lapsed in view of the valid purchase notice issued under Section 127 of the MRTP Act. It is open for the petitioner to utilise the land and apply for development permission in terms of the applicable provisions of law.

23. Since this petition has been allowed, nothing survives for consideration in Writ Petition No. 5525 of 2016.

24. In view of disposal of the writ petition, all pending interim applications stand disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)