

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

WRIT PETITION NO. 5353 OF 2019

- 1) Sau. Mira W/o. Rajkumar Khiyani,
Aged about 57 years, Occu. - Agriculturist,
R/o. Ramnagar Ward, Yashwant Nagar,
Near Hanuman Temple, Hinganghat,
Tahsil Hinganghat and Dist. Wardha.
- 2) Sau. Ranjani W/o. Hasanand Khiyani,
Aged about 50 years, Occu. - Agriculturist,
R/o. Ramnagar Ward, Yashwant Nagar,
Near Hanuman Temple, Hinganghat,
Tahsil Hinganghat and Dist. Wardha.
- 3) Sau. Pushpalata W/o. Damodhar Deotale,
Aged about 54 years, Occu. - Agriculturist,
R/o. New Yashwant Nagar, Vivekanand
Colony, Hinganghat, Tahsil Hinganghat
and Dist. Wardha.
- 4) Shri Ramesh Jagumal Sawlani,
Aged about 49 years, Occu. - Business,
R/o. Jaripatka, Nagpur through its
regd. Power of attorney holder
Shri Rajkumar Sewaram Khiyani,
Aged about 61 years, Occu. - Agriculturist,
R/o. Ramnagar Ward, Yashwant Nagar,
Near Hanuman Temple, Hinganghat,
Tahsil Hinganghat and Dist. Wardha.

.... **PETITIONERS**

// VERSUS //

- 1) State of Maharashtra,
through its Principal Secretary,
Department of Urban Development,
Mantralaya, Mumbai.

- 2) State of Maharashtra,
through its Director Town Planning
Maharashtra State, Central Office,
Pune – 411001.
- 3) Municipal Council, Hinganghat,
through its Chief Officer,
Tah – Hinganghat, Dist – Wardha.
- 4) Town Planning Department, Wardha,
Near Baba Saheb Ambedkar Statue,
Krida Sankul, Wardha, Dist – Wardha.

.... **RESPONDENTS**

Shri S. O. Ahmed, Advocate for petitioner.
Ms. N. P. Mehta, A.G.P. for respondent Nos.1, 2 & 4.
Shri A. S. Deshpande, Advocate for respondent No.3.

CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.

DATED : 27.08.2021

ORAL JUDGMENT : (Per Sunil B. Shukre, J.)

1. Heard Shri S. O. Ahmed, learned counsel for the petitioner,
Ms N. P. Mehta, learned A.G.P. for respondent Nos.1, 2 and 4 and Shri
A. S. Deshpande, learned counsel for respondent No.3.

2. As submitted by learned counsel for respondent No.3, he is
ready with his reply and copy of the reply is already given to learned
counsel for the petitioners. The reply may be filed by following the
procedure. However, considering the admissions given by learned

counsel for respondent No.3, we do not think that any purpose would serve by keeping this matter pending any more.

3. Accordingly **Rule**. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

4. Since it is an admitted fact that the reservation on the agricultural fields bearing Survey No. 206/1 and 206/2, has lapsed and no steps for acquisition of these fields have been taken even after expiry of a period of two years from the date of receipt of the purchase notice, we are inclined to allow this petition.

5. Accordingly, the petition is allowed by declaring that the reservation on the agricultural fields has lapsed and the respondents are directed to notify the lapsing of the reservations in accordance with law.

Rule is made absolute in the above terms. No costs.

(ANIL S. KILOR, J.)

(SUNIL B. SHUKRE J.)