



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

WRIT PETITION NO.4456 OF 2023

Motilal Mohanlal Munot,
Age: 62 years, Occ: Business,
R/o: Pratapnagar, opposite
B.N.Jain School, Jalgaon,
Tq. & Dist. Jalgaon.

...PETITIONER

-VERSUS-

1. The State of Maharashtra
Through its Secretary,
Urban Development Department,
Mantralaya, Mumbai.
2. The Director of Town Planning,
Maharashtra State, Pune.
3. The Collector, Jalgaon.
4. The Municipal Commissioner,
Jalgaon Municipal Corporation,
Jalgaon.
5. The Assistant Director of Town Planning,
BJ Market, Jalgaon.

...RESPONDENTS

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Shri A.B. Kale, Advocate for the Petitioner.
Shri V.M. Kagne, AGP for Respondent Nos.1 to 3/State.
Shri V.D. Gunale, Advocate for Respondent Nos.4 and 5.

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**CORAM : RAVINDRA V. GHUGE
&
R.M. JOSHI, JJ.**

DATE :- 02nd April, 2024

ORAL JUDGMENT (Per Ravindra V. Ghuge, J.):

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The Petitioner has put forth prayer clauses C and D as under:-

- “C) *To direct the Respondents to De-reserve the land of the petitioner admeasuring 0.40R from Gut 1204 situated at Asoda, Tal & Dist- Jalgaon which is reserved for the purpose of sports complex/stadium and for that purpose issue necessary orders;*
- D) *To direct the Respondents to delete the reservation of land of the petitioner admeasuring 0.40R from Gut 1204 situated at Asoda, Tal & Dist- Jalgaon which is reserved for the purpose of sports complex/stadium from the Development Plan as per Section 50 of the Maharashtra Regional Town Planning Act and for that purpose issue necessary orders;”*

3. The Acquiring Authority has not chosen to file an affidavit in reply.

4. Relevant sequence of events are as under:-

- (a) The Jalgaon Municipal Corporation prepared a Draft Development Plan for Jalgaon (additional area) No.226 and the

Government of Maharashtra sanctioned the said plan on 11.08.2004. As per the plan, the Petitioner's land was reserved for constructing a stadium/ sports complex.

(b) After lapse of 10 years, the Petitioner issued a purchase notice on 12.01.2018 under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short, "the MRTP Act").

(c) The Municipal Corporation has admittedly received the said notice.

(d) Prior thereto, a proposal was forwarded on 08.04.2015 to the District Collector. Since then, nothing has moved at the end of the District Collector or in furtherance of the acquisition proceedings.

(e) It is not the case that before the Petitioner moved the purchase notice on 12.01.2018, the development plan was revised.

5. In view of the above, taking into account the law laid down by the Honourable Supreme Court in **Girnar Traders vs. State of Maharashtra and others, (2011) 3 SCC 1**, this **Writ Petition is allowed**. The Municipal Corporation shall issue

a communication to Respondent No.1 within 30 days, intimating the said Authority that the reservation has lapsed. The first Respondent Authority would, thereafter, issue a notification under Section 127(2) of the MRTP Act, within a period of 90 days thereafter.

6. Rule is made absolutely in the above terms.

kps

(R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)