



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

WRIT PETITION NO. 5397 OF 2025

	Mr. Alim Yusuf Sayyed Age 58 years, Occu; Agri. R/o Sanskruti Nagar, Opp. Rukmini Mangal Karyalaya, Latur	...	Petitioner
	VERSUS		
1.	The State of Maharashtra, Through the Secretary, Department of Urban Development, Mantralaya, Mumbai-32		Respondents
2.	The Assistant Director of Town Planning, Municipal Corporation, Latur		
3.	The Municipal Corporation, Latur Tq. & dist. Latur Through its Commissioner.	..	

Mr. Kalyane Madhav Nivruttee, Advocate for the Petitioner

Mr. S. P. Sonpawale, AGP for the Respondent No. 1 State

Mr. H. V. Patil, Advocate for Respondent Nos. 2 and 3

**CORAM : MANISH PITALE &
Y. G. KHOBRAGADE, JJ.**

DATE: : 25.08.2025

ORDER (Per: Y. G. Khobragade, J.)

1. We have heard learned counsel for both sides.

2. By the present petition under Article 226 and 227 of the Constitution of India, the petitioner, who is owner of land, prays for declaration of lapsing of reservation in view of section 127 of the Maharashtra Regional and Town Planning Act, 1966 ('the MRTP Act'), in respect of his land bearing Survey No.92 admeasuring 0 Hectare 25 Are, situated at village Khadgaon, Tq. and Dist. Latur.

3. It is stated that the development plan for the then Municipal Council, Latur was sanctioned by the Government of Maharashtra vide Notification published on 02.01.2002. In the said plan, the land of the petitioner bearing Survey No.92 admeasuring 0 Hectare 25 Are, situated at village Khadgaon, Tq. and Dist. Latur was reserved for housing the dis-housed people at Site No. 207. However, no steps have been initiated by Respondent/ planning authority for acquisition of the said property for more than 22 years. Therefore, the petitioner issued purchase notice dated 11.03.2022 under section 127 along-with necessary documents. In spite of service of notice, no effective steps have been taken by the respondents for acquisition as contemplated under section 126 of the MRTP Act read with section 6 of the Land Acquisition Act, 1894 or Section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for more than two years. Therefore, as per provisions of

Section 127 of the MRTP Act, the reservation would lapse on expiry of notice period.

4. The respondents have not disputed the facts narrated by the petitioner. However, it is submitted that relevant documents showing title or interest in the said land such as, property card, development plan map, measurement map etc. were not accompanied with the notice under section 127 of the MRTP Act and, therefore, the notice is not valid. Now the respondents have offered TDR and shown willingness to acquire the land, which the petitioner has declined.

5. The petitioner enclosed documents such as 7/12 extract and village form No. 8A along-with notice, having mutation entry No. 473 in the revenue record in the name of the petitioner. The respondent-Corporation has not disputed the reservation over the land of the petitioner. The land under reservation being owned by the petitioner and revenue record to that effect is on record, there can be no dispute over the ownership of the property.

6. So far as the objection as regards non production of the documents, such as measurement map and development plan map with the notice, looking to the nature of these documents, they can be said to be within knowledge and can very well be available with the Corporation. Therefore, the respondents cannot refuse to act upon the notice for want of formal documents which are already with the planning authority, that

too, after lapse of 24 months. Failure on the part of the respondents in acquiring the reserved lands for the period of more than 10 years from date of notification, so also, for the period of more than two years from the date of service of notice under section 127 of the MRTP Act is not supported by any cogent and substantial reason. Therefore, we do not see any defect in the notice issued by the petitioner.

7. In our view, this issue is no longer *res integra* in the light of the judgment delivered by the Full Bench of this Court in **Shree Vinayak Builders and Developers vs. State of Maharashtra and others, (2022) 4 Mh.L.J. 739** . So also, the law laid down by the Honourable Supreme Court in **Girnar Traders vs. State of Maharashtra, (2007) 7 SCC 555** and **Girnar Traders vs. State of Maharashtra and others, (2011) 3 SCC 1**, squarely applies to the present case. No steps, as are expected in view of the law laid down in **Girnar Traders (supra)**, have been initiated by the Planning Authority. As such we are inclined to allow the writ petition and declare that the reservation on land of the petitioner stands lapsed

8. In view of the above, the Writ Petition is allowed.

9. The Respondent- Corporation/Planning Authority shall issue a letter to Respondent No.1 State, within 30 days from today, indicating that the reservation on the land of the petitioner bearing Survey No.92 admeasuring 0 Hectare 25 Are, situated at village Khadgaon, Tq. and

Dist. Latur for housing the dis-housed people at Site No. 207, has lapsed. Respondent No.1 State shall thereafter, issue a notification under Section 127(2) of the MRTP Act, within 60 days.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)

JPChavan