



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

WRIT PETITION NO. 6138 OF 2025

1.	Chandrakant Kashinathappa Khubba Age 88 years, Occu: Retired	...	Petitioner
2.	Mr. Baswaraj s/o Chandrakant Khuba Age 45 years, Occu: Doctor & Agri.		
3.	Ms. Shubhangi d/o Chandrakant Khuba Age 41 years, Occu: Doctor & Agri. All R/o Behind Amba Hanuman Mandir Bank Colony, Latur 413531		
	VERSUS		
1.	The State of Maharashtra, Through the Secretary, Department of Urban Development, Mantralaya, Mumbai-32		Respondents
2.	The Director of Town Planning, Maharashtra State, Central Building, Near Sasoon Hospital, Pune 411 001		
3.	The Deputy Director of Town Planning Patrakar Bhavan, Sawe Wadi, Latur		
4.	The Collector, Latur		
3.	The Municipal Corporation, Latur Through its Commissioner.	..	

Mr. Rameshwar F. Totla a/w Mr. V. S. Kabra h/for Mr. S. V. Lohiya,
Advocate for the Petitioner

Mr. S. P. Sonpawale, AGP for the Respondents- State

Mr. Hanmant V. Patil, Advocate for Respondent No. 5

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

DATE: : **04.09.2025**

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 petitioners pray 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 their land bearing Survey No.154/2 admeasuring 0 Hectare 97.98 R, situated within the limits of Municipal Corporation, 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 petitioners bearing Survey No.154/2 admeasuring 0 Hectare 97.98 R, situated within the limits of Municipal Corporation, Latur was reserved for playground and other public purposes at Site Nos. 111 to 114. However, no steps have been initiated by Respondent/ planning authority for acquisition of the said property for more than 20 years. Therefore, the petitioner issued purchase notices dated 31.12.2015 and 20.02.2020 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 petitioners. 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 petitioners produced documents such as 7/12 extract and village form No. 6 along-with notice. The respondent-Corporation has not disputed the reservation over the land of the petitioner. The land under reservation being owned by the petitioners and revenue record to that effect is on record, there can be no dispute over the ownership of the property.

6. 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 petitioners.

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 petitioners 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 petitioners bearing Survey No.154/2 admeasuring 0 Hectare 97.98 R, situated within the limits of Municipal Corporation, Latur for playground and other public purposes at Site Nos. 111 to 114, 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