



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

WRIT PETITION NO. 8544 OF 2025

	Mrn. Vasant Dalu Dhande Age 85 years, Occu: agri. R/o 396, Badam Galli, Dhande Wada, Jalgaon	...	Petitioner
	VERSUS		
1.	The State of Maharashtra, Through the Secretary, Department of Urban Development, Mantralaya, Mumbai-32		Respondents
2.	The District Collector, Jalgaon		
3.	The Director, Town Planning Department, Maharashtra State, Pune Central Offices, Old Building, Pune-01	...	
4.	The Assistant Director, Town Planning Department, Jalgaon		
5.	The Jalgaon City Municipal Corporation Through Its Commissioner, Jalgaon		
6.	The Executive Engineer Waghur Dam Project, Jalgaon, Tq. and Dsit. Jalgaon		

Mr. Shushilkumar H. Tripathi, Advocate for the Petitioner

Mr. S. K. Tambe, AGP for the Respondent Nos. 1 to 3/State

Mr. Sachin B. Munde, Advocate for Respondent Nos. 4 and 5

Mr. Ajay D. Pawar, Advocate for Respondent No.6

CORAM : **MANISH PITALE &**
Y. G. KHOBRAGADE, JJ.
DATE: : **05.08.2025**

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 land bearing Gat/Survey No.320/2/1 admeasuring 0 hectare 96.91 Are, situated at Jalgaon,
3. It is stated that the petitioner is owner of land bearing Gat/Survey No.320/2/1 admeasuring 0 hectare 96.91 Are, situated at Jalgaon. The development plan for Jalgaon (Additional Area) was sanctioned by the Government of Maharashtra vide Notification published in the Official Gazette on 11.02.2002, which came into effect from 07.04.2002. Thereafter, a separate development plan for the excluded area was sanctioned by the Government of Maharashtra vide Notification published in the Official Gazette on 10.08.2004, which came into effect from 01.10.2002. In the said plan, the land of the petitioner bearing

Gat/Survey No.320/2/1 admeasuring 0 hectare 96.91 Are, situated at Jalgaon, was reserved for Waghur Canal and 18 meter wide service road for canal. However, no steps have been initiated by Respondents/ planning authorities for acquisition of the said property for more than 10 years. Therefore, the petitioner issued notice dated 29.05.2023 under section 127 of the MRTP Act along-with necessary documents. In spite of service of notice, no steps have been taken by the respondent- Corporation 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. It brought to the notice of this Court on behalf of Respondent No. 6, relying upon communication dated 28.07.2006 that canal of Wagur Project, Asoda branch does not pass through Survey No. 320/2/1 and as per letter of Divisional Office dated 25.07.2006, no part of the Asoda branch canal passes through the additional area of Jalgaon City Municipal Corporation. Similarly, by letter dated 27.05.2011, it has been communicated to the petitioner by the Sub Divisional Office, Waghur Project, Sub Division No.3 Nashirabad that canal of Waghur project does not pass through Survey No. 320. However, the fact remains that the land

of the petitioner is still under reservation and no steps were taken to acquire the same even for 19 years.

5. Respondents Nos. 3 to 6 planning authorities have not disputed about service of notices and as such Respondent No.6 issued a communication dated 28.09.2006 communicating the petitioner such a canal does not pass through increased area of Jalgaon Municipal Corporation. However, the land of the petitioner is still shown under reservation. Admittedly the respondents/authorities could not initiate proceedings for acquisition for more than 10 years. The respondents have not given any substantial reason for not acquiring the reserved land for a period of 10 years from the date of the notification, so also, for a period of more than two years from the date of service of notices under section 127 of the MRTP Act.

6. 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

7. In view of the above, the Writ Petitions are allowed.

8. The Respondents- 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 Gat/Survey No.320/2/1 admeasuring 0 hectare 96.91 Are, situated at Jalgaon has lapsed. Respondent No.1 State shall thereafter, issue a notification under Section 127(2) of the MRTP Act, within 60 days.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPChavan