



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

110 WRIT PETITION NO. 12016 OF 2022

Kalawatibai Dagdoba Sansare And Others

VERSUS

The State Of Maharashtra Through Its Secretary And Others

...

Mr. S. M. Gunjkar h/f. Mr. Pravin N. Kalani, Advocate for the Petitioners.

Mr. S. G. Sangle, AGP for Respondents/State.

Mr. Satyajeet S. Bora, Advocate for Respondent No.4.

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CORAM : R. G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

DATED : OCTOBER 13, 2025

P.C.:

1. The land of the petitioners has been reserved for primary school and play ground in the final development plan of 16.12.1999. Since, no effective steps were taken towards acquisition of the said land, the petitioners issued Respondent/Corporation a notice dated 21.06.2018, under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 ("MRTP" Act) calling upon it to acquire the same or take effective steps. The notice was served upon the corporation. In spite of the same, the corporation did not take any effective steps within a period of two years next after receipt of the notice.

2. All the aforesaid are the admitted facts. Consequence therefore follows that by virtue of deeming fiction under Section 127 of the MRTP Act the lands stand de-reserved and open/available for

development as the unreserved lands adjoining thereto. We therefore allow the Writ Petition in terms of prayer clauses (B) which reads thus :-

B) To quash and set aside the reservation on the land admeasuring 01. H. 65 R. by the respondents issued by notification no. TPS/3199/130/CR/33/99/UD-30 dated 30.09.1999 reservation Site No. 06/06 for primary school and playground and reservation Site No.6/07 high school, by issuing writ of certiorari or any other writ or any other order;

3. The Respondent/State shall issue necessary notification within a period of six months from the date of this order.
4. Writ Petition disposed of accordingly.

[ABASAHEB D. SHINDE, J.]

[R. G. AVACHAT, J.]