



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

**WRIT PETITION NO. 12841 OF 2023
WITH
CIVIL APPLICATION NO.12841 OF 2023**

Sunanda Dnyaneshwar Kapse
VERSUS
The State Of Maharashtra Through The Secretary And Others

**WITH
WRIT PETITION NO. 12816 OF 2023**

Vaibhav Ramakant Kulkarni
VERSUS
The State Of Maharashtra Through The Secretary And Others

**WITH
WRIT PETITION NO. 12912 OF 2023**

Fazaloddin Khayamoddin Patel
VERSUS
The State Of Maharashtra Through The Secretary And Others

**WITH
WRIT PETITION NO. 12899 OF 2023**

Govind Rekhaji Rathod
VERSUS
The State Of Maharashtra Through The Secretary And Others

**WITH
WRIT PETITION NO. 15648 OF 2023**

Shakuntala Suryakant Kapse
VERSUS
The State Of Maharashtra Through The Secretary And Others

**WITH
WRIT PETITION NO. 12817 OF 2023**

Dhondiram Kashinath Shete And Another
VERSUS
The State Of Maharashtra Through The Secretary And Others

WITH
WRIT PETITION NO. 12839 OF 2023

Gajanan Madhukar Kawthekar And Another
VERSUS
The State Of Maharashtra Through The Secretary And Others

WITH
WRIT PETITION NO. 12921 OF 2023

Ashok Gangadhar Ghate
VERSUS
The State Of Maharashtra Through The Secretary And Others

WITH
WRIT PETITION NO. 12898 OF 2023

Syed Khalil Syed Rasool
VERSUS
The State Of Maharashtra Through The Secretary And Others

WITH
WRIT PETITION NO. 12852 OF 2023

Rukminbai Sambhaji Shinde
VERSUS
The State Of Maharashtra Through The Secretary And Others

WITH
WRIT PETITION NO. 12838 OF 2023

Baburao Rohidas Mehtre And Others
VERSUS
The State Of Maharashtra Through The Secretary And Others

WITH
WRIT PETITION NO. 12802 OF 2023

Pradnya Raghavendra Pathak
VERSUS
The State Of Maharashtra Through The Secretary And Others

WITH
WRIT PETITION NO. 12840 OF 2023

Pankaj Laxmanrao Shinde And Another
VERSUS
The State Of Maharashtra Through The Secretary And Others

WITH
WRIT PETITION NO. 12900 OF 2023

Digamber Ramakantrao Chaudhari
VERSUS
The State Of Maharashtra Through The Secretary And Others

In all matters:-

Mr.M.V.Ghatge, Advocate for petitioners

Ms.R.P.Gaur, AGP for respondent nos.1 to 6

Mr.K.J.Suryawanshi, Advocate for respondent no.7

CORAM : R.G.AVACHAT AND
ABASAHEB D. SHINDE, JJ.
DATE : NOVEMBER 13, 2025

ORDER :-

Heard.

2. These petitions are taken up together since they are interconnected and common question of facts and law arise therein.

3. The lands of the petitioners have been reserved for various purposes in the final Development Plan approved way back on 01.09.2006. For over ten years post the lands have been affected in the Final Development Plan, the respondent - local authority did not take any effective steps towards acquisition of those lands. The petitioners, therefore, issued purchase notices under section 127 of the Maharashtra Regional And Town Planning Act, 1966 on various

dates. The respondent - local authority, thereafter, in spite of receipt of the notices, did not take any steps for acquisition of the said lands within a period of two years next after receipt of those notices. It is the case of respondent - local authority that the petitioners along with the notices did not produce any document of title and therefore, the notices are not in compliance with Section 127 of M.R.T.P. Act and thus, liable to be not acted upon.

4. Same are the submissions advanced by learned counsel for the respondent - local authority, which have been reiterated by learned counsel for the respondent - State.

5. After having considered the submissions advanced, what has been emerged is that the lands of the petitioners, admittedly, have been reserved under the final Development Plan dated 01.09.2006. For over 10 years next after approval of the final Development Plan, the respondent/local authority did not take steps for acquisition of the lands under reservation. Admittedly, the petitioners issued purchase notices on different dates in terms of Section 127 of M.R.T.P. Act. The notices have undisputedly been received by the respondent - local authority. According to it, no measurement maps were submitted along with the purchase notices

and the local authority, therefore, expressed difficulty in ascertaining the exact area of lands under reservation. Needless to mention, Section 127 of M.R.T.P. Act mandates that notice thereunder has to be accompanied by the documents of title. By no stretch of imagination, the measurement maps could be termed to be documents of title.

6. It is reiterated that since the measurement plan could not be termed to be a document of title, asking for the same and holding the notices, for want of such compliance to be bad in law, would be against the mandate of Section 127 of the M.R.T.P. Act. The respondent/local authority, therefore, could not be heard to say that for want of measurement plan, the notices under Section 127 of the M.R.T.P. Act were bad in law. No other ground has been urged. It is 2025. Over 20 years have passed post the land to have been reserved in the development plan. No steps have been resorted to for acquisition of the lands. By virtue of the deeming fiction under Section 127 of the M.R.T.P. Act, the lands stand de-reserved and the owners thereof to be entitled to use the same for the purpose for which the immediately abutting land (not affected by development plan) could be used in the terms of the development rules.

7. For all the aforesaid reasons, we pass the following order:-

(i) The Writ Petitions are allowed in terms of prayer clauses (A) and (B) of the respective petition.

(ii) The respondent - State shall issue the necessary notification in this regard within three months from the date of receipt of a copy of this order

[ABASAHEB D. SHINDE, J.]

[R.G. AVACHAT, J.]

KBP