



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

**WRIT PETITION NO. 565 OF 2025
WITH
WRIT PETITION NO. 4561/2025**

	Mrs. Sneha w/o Shirish Gadiya Age 54 years, Occu: Business R/o Plot No.2, Gat No.40, Golwadi Tq. Dist. Chhatrapati Sambhajinagar	...	Petitioner in WP/565/2025 And WP/4561/2025
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**WITH
WRIT PETITION NO. 1363 OF 2025
WITH
WRIT PETITION NO. 1378 OF 2025
WITH
WRIT PETITION NO. 1388 OF 2025**

1)	Manoj Pannalal Jain, Age 60 years, Occu: Business, R/o A-5, Pride Plaza, Vedant Nagar, Chh. Sambhajinagar		Petitioners in WP/1363/2025 AND WP/1378/2025 WP/1388/2025
2)	Rajesh Jethmal Parmar Age 52 years, Occu: Business, R/o Bungalow No.1, 33, Golwadi, Chhatrapati Sambhajinagar		

**WITH
WRIT PETITION NO. 4560 OF 2025**

1)	Swapnil Rajendra Bagade, Age 34 years, Occu: Agri. & Business,		Petitioners in WP/4560/2025
2)	Pratima Swapnil Bagade, Age 33 years, Occu: Agri & Business		
	VERSUS		

1.	The State of Maharashtra, Through Department of Urban Development, Mantralaya, Mumbai-32		Respondents in all these petitions
2.	The Principal Secretary, Department of Urban Development, Mantralaya, Mumbai-32	...	
3.	The Collector, Aurangabad		
4.	Special Land Acquisition Officer, (Special Unit), Aurangabad		
5.	City Industrial and Development Corporation Ltd. Through its Chief Administrator, New Town, Udyog Bhavan, Town Centre, New Aurangabad 431 003		
6.	Administrator, Waluj Mahanagar Project City Industrial and Development Corporation Ltd. Udyog Bhavan, Town Centre, New Aurangabad 431 003		
7.	The Additional Town Planning Officer, CIDCO, Waluj Mahanagar, Aurangabad	...	

Mr. D. P. Palodkar, Advocate for the Petitioners,

Mr. V. M. Kagne, AGP for the Respondent Nos. 1 to 4/State

Mr. Vaibhav P. Deshmukh, Advocate for Respondent Nos.5 to 7, CIDCO

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

DATE: : **01.08.2025**

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

1. We have heard learned counsel for both sides.
2. By the present petitions under Article 226 and 227 of the Constitution of India, the petitioners, who are owners of lands, which are reserved in the development plan of Waluj Notified Area, pray for declaration regarding lapsing of reservation in view of section 127 of the Maharashtra Regional and Town Planning Act, 1966 ('the MRTP Act')
3. In all these petitions, a common question arises about de-reservation of lands of the petitioners for not taking steps towards acquisition for more than two years from the date of notice under section 127 of the MRTP Act and common prayer for declaration of lapsing of reservation. These petitions are taken up together for disposal.
4. Particulars of the lands owned by these petitioners, reserved areas and issuance of notices under Section 127 of MRTP Act by the respective petitioners are as under:

W.P. Nos.	Village	Gat Nos.	Reserved Area	Purpose of reservation	Date of notice u/s 127	Date of Expiry of notice
565/2025	Tisgaon	118	15 R	Mangal Karyalaya	17.10.2022	18.10.2024
1363/2025	Golwadi	29	30 R	School	05.01.2023	06.01.2025
1378/2025	Golwadi	29	15 R	Social Facility	05.01.2023	06.01.2025

1388/2025	Golwadi	29	12 R	Veg. Market	05.01.2023	06.01.2025
4560/2025	Golwadi	40	19 R	Hospital	17.04.2021	18.04.2023
4561/2025	Tisgaon	Plot No. 376A O/f Gat No.116	1657.01 Sq. Mtr.	Library and Social facility	20.02.2023	21.02.2025

5. It is stated that the Respondent-City Industrial and Development Corporation Ltd. (CIDCO) came to be appointed as a Special Planning Authority of Waluj Notified Area by the State Government. Draft Development of Waluj Notified area was published on 16.04.1992 and the State Government accorded sanction to the Development Plan of Waluj Notified Area under section 31 of the MRTP Act vide Notification published in the Official Gazette on 14.08.2001, which came into force from 01.10.2001. Under the said development plan, the lands belonging to the petitioners were reserved for various purposes, as shown in the aforesaid chart, however, no steps have been initiated by the respondent-Planning Authority for acquisition of the said properties for more than 10 years. Therefore, the petitioners issued purchase notices under section 127 of the MRTP Act. In spite of service of notices, no steps have been taken by the respondent- Planning Authority for acquisition of the said land within a period of 24 months, as contemplated under section 126 of the MRTP Act read with section 6 of the Land Acquisition Act, 1894.

6. The learned counsel representing the CIDCO Authority vehemently canvassed that lands of the petitioners are reserved for the public utilities such as, Hospital, Library, social facility, School, Mangal Karyalaya and Vegetable market. However, due to financial constraints, the respondents-Authorities are unable to acquire the land and offered Transferable Development Rights (TDR) to the petitioners to compensate them.

7. The respondent- Planning Authority has not disputed about service of notices, but, it has only contended that due to financial constraints, acquisition proceedings could not be initiated and instead offered TDR. 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.

8. 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.

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

10. The Respondent- Planning Authority shall issue a letter to Respondent No.2, within 30 days from today, indicating that the reservation on the lands of the petitioners has lapsed. Respondent No.2 shall thereafter, issue a notification under Section 127(2) of the MRTP Act, within 60 days.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPChavan