

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2957 OF 2024

1. Mr. Nandkumar Tukaram Hajare
Age: 72 Years, Occupation- Agriculture,
2. Mr. Tushar Ramdas Hajare
Age : 36 years, Occupation- Agriculture &
business.

Both Residing at – Haraje Sadan,
Bombay-Pune Road,
Dapodi, Pune 411 012.

... Petitioners.

V/s.

1. Pimpri Chinchwad Municipal
Corporation, A body corporate
established under the provisions
Bombay Municipal Corporation Act
through the Municipal Commissioner
Add-PCMC Building, Morewadi, Pimpri,
Pune-411018.
2. The Deputy Director,
Town Planning,
Pimpri Chinchwad Municipal Corporation
Morewadi, Pimpri, Pune-411018.
3. The State of Maharashtra
through it's Secretary for Urban
Development Department,
Mantralaya, Mumbai- 400032.

... Respondents.

Mr. P.S. Dani, Senior Advocate a/w. Mr. Prashant P. Kulkarni, Advocate
for Petitioners.

Mr. P.P. Kakade, Addl. G.P. a/w. Mrs. Nisha Mehra, AGP for
Respondent/State.

Mr. Deepak R. More,

CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.

DATE : 4th DECEMBER, 2025

ORAL JUDGMENT : *(Per Ravindra V. Ghuge, J)*

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The Petitioners have put forth prayer clauses (a), (b), (c) and (d), as under :

“(a) This Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, direction or order thereby holding & declaring that the said property of the petitioners', being land admeasuring 0 Hector 11 Aar out of Survey no. 365/1/1 situated at Village Bhosari, Taluka Haveli, District - Pune within the limits of Pimpri Chinchwad Municipal Corporation, which is designated/specified/ reserved for Bus Terminus as per Development Plan dated 18/09/1995 which came into force on 02/11/1995 vide site no/sheet no. 1/37, has lapsed as per the provisions under Section 127 of the Maharashtra Regional & Town Planning Act, 1966.

(b) This Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, direction or order thereby holding & declaring that the said property is released from said reservations, allotment or designation and has become available to the owners / the Petitioners for the purpose of development.

(c) This Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, direction or order thereby quashing and setting aside reservation of Bus

Terminus as per Development Plan dated 18/09/1995 which came into force on 02/11/1995 vide site no/sheet no. 1/37 over the land of Petitioner admeasuring 0 Hectar 11 Aar out of Survey no. 365/1/1 situated at Village Bhosari, Taluka Haveli, District Pune within the limits of Pimpri Chinchwad Municipal Corporation,

(d) This Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, direction or order directing the respondent Government to forthwith notify the lapsing of reservation of said property by an order published in the Official Gazette as required under Section 127(2) of the Maharashtra Regional & Town Planning Act, 1966."

3. The Petitioners' property (hereinafter referred to as the Writ Land) admeasuring 0 Hectar 11 Aar, out of Survey No. 365/1/1 situated at Village Bhosari, Taluka Haveli, District-Pune, within the limits of Pimpri Chinchwad Municipal Corporation, suffered a development plan which was brought into force on 18.9.1995. The Land was reserved for a bus terminus vide Sheet No. 1/37. In so far as the reservation for widening of the road is concerned, the Petitioner has handed over the required portion to the Corporation.

4. Since the acquisition did not fructify under the provisions of the MRTP Act, 1966, the erstwhile Land Acquisition Act, 1894 or even the new Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Petitioner issued a purchase notice under Section 127 of the MRTP on 2.4.2019. As the provision stood then, the Corporation had one year

at its disposal to initiate steps towards acquisition as is the dictum laid down in *M/s. Girnar Traders v/s. State of Maharashtra, (2007) 7 SCC 555* and *M/s. Girnar Traders(3) v/s. State of Maharashtra & Ors. (2011) 3 SCC 1*.

5. This Petition has been filed on 5.2.2024, which is almost 5 years after the purchase notice was issued.

6. The learned Advocate for the Corporation has vehemently opposed this Petition. He submits that the Corporation has addressed a letter to the Special Land Acquisition Officer (SLAO) for initiating appropriate steps by carrying out measurement of land. The charges for measurement have been deposited by the Corporation on 2.7.2025. The learned Senior Advocate Shri Dani rightly submits that this is an act in desperation by the Corporation. Having realised that they have not initiated any steps as per the prescription under Section 126 of the MRTP Act, it has to be concluded that the Corporation, as an Acquiring Body, has not initiated any steps for acquisition of the land.

7. In view of the above, **this Petition is allowed in terms of prayer clause (a) to (d).** As a consequence, the Corporation would forward the letter to the State Government communicating this order and

seeking lapsing of reservation, within 30 days from today, considering the request that the staff is busy in Local Body Elections. In turn, the State Government shall issue the notification for lapsing of reservation within 45 days thereafter.

8. **Rule is made absolute** in the above terms.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)