

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6495 OF 2025

Chandrakant Ganpat Deshpande and others] Petitioners
Versus
The State of Maharashtra and others] Respondents

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Mr. Abhishek Tejpal Ingale, for Petitioners.

Ms. Rupali Shinde, A.G.P, for Respondents No.1 and 2-State.

Mr. M.L. Patil, for Respondents No.3 to 5.

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CORAM : G.S. KULKARNI &
ARIF S. DOCTOR, J.J.

DATE : 16th JUNE, 2025.

P.C:

1. This Petition under Article 226 of the Constitution of India is filed praying for following only relief;

“(b) The Respondents have rejected the Petitioners objection to the reservation without giving them an opportunity of hearing and without even assigning any reasons as to why the objections are not considered”.

2. Grievance of the petitioners is in respect of reservation of their land for the purpose of education amenities. It is further stated that in the Draft Development Plan issued in the year 1989, petitioners' land was reserved for the purpose of Primary School and High School. However, no steps were taken to acquire the land. Again when the revision of the Development Plan was undertaken in the year 1993, the reservation was continued and no steps were

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taken to acquire the land for the said public purpose. The reservation has continued even for the last Development Plan when on 21st May, 2015 a Draft Development Plan in that regard was issued. At such point of time, the petitioners had submitted their objections contending that there are sufficient schools in the vicinity and such reservation of the petitioners' land is not warranted. However, according to the petitioners, the representation had fallen to the deaf ears of the respondents as the Development Plan finally came to be sanctioned on 9th January, 2017 in which again the reservation has continued for the petitioners' plot being reservation No.386 admeasuring 18000 square meters for the purpose of education amenities.

3. Learned Counsel for the petitioners has fairly stated that no purchase notice has been issued by the petitioners as per section 127 of the Maharashtra Regional and Town Planning Act, 1966. He, however, stated that petitioners' representation is already on the record of the Municipal Corporation, a copy of which is annexed to the petition. The petitioners urge that a decision is required to be taken on such representation of the petitioners without prejudice to their rights and contentions to issue a purchase notice. If this be the case, we are inclined to dispose of this petition by the following order;

:ORDER:

- (a) The representation as made by the petitioners or a fresh representation if made within two weeks be decided by Nashik Municipal Corporation as expeditiously as possible and, in any

event, within a period of six weeks from the day the same is filed after granting an opportunity of hearing to the petitioners or in the event a fresh representation is not filed by the petitioners as directed a decision on the petitioners representation, as already filed, be taken within a period of four weeks.

(b) The petitioners right to issue a purchase notice is expressly kept open. If such notice is issued, the same be considered in accordance with law. All contentions of the parties in that regard are expressly kept open.

4. Petition stands disposed of in the aforesaid terms. No costs.

[ARIF S. DOCTOR, J.]

[G.S. KULKARNI, J.]