



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 149/2025

Nine Star Multiservices Pvt. Ltd.

Vs.

The State of Maharashtra and Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms Manjusha Dongre (Khobragade), Advocate for Petitioner.
Mr. A. J. Gohokar, A.G.P. for Respondent No.1/State.
Mr. P. S. Tidke, Advocate for Respondent No.2.

CORAM : NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.

DATED : 11/03/2025.

. Heard.

2 The prayers in the petition are as under :

“A. Declare that the reservations affecting the land owned by petitioners having Reservation no.1 area admeasuring 3600 sq.mtr. for Shopping Complex, Reservation no.2 area admeasuring 2300 sq.mtr. for Dispensary, Reservation no.3 area admeasuring 2000 sq.mtr. for Vegetable market, Reservation no.4 area admeasuring 2200 sq.mtr. for Mutton and Fish Market, Reservation no. 4A area admeasuring 9600 sq.mtr. for Parking have lapsed under Sec. 127 of the Maharashtra Regional and Town Planning Act, 1966 and permit the petitioners to develop the aforementioned land owned by them in a manner permissible to the adjacent land as per the Regional Development Plan of the Chandrapur-Ballarpur Region.

B. Direct the respondents to notify and publish in the official Gazette notification under Sec. 127 sub-Section (2) and declare that the

reservations affecting the land owned by petitioners having Reservation no.1 area admeasuring 3600 sq.mtr. for Shopping Complex, Reservation no.2 area admeasuring 2300 sq. mtr. For Dispensary, Reservation no.3 area admeasuring 2000 sq.mtr. for Vegetable market, Reservation no.4 area admeasuring 2200 sq. mtr. for Mutton and Fish Market, Reservation no. 4A area admeasuring 9600 sq. mtr. for Parking have lapsed within eight weeks or the period as may be specified by this Hon'ble Court.

C. Grant any other relief which this Hon'ble Court deems fit and proper in the facts and circumstances of the present case and in the interest of justice."

3. In support of the prayers, it is the case of the petitioner that a notice was served to the respondent No.2 thereby calling upon him to take steps for acquisition of the land and make arrangement for the payment of the compensation as per the market value. In alternate, the said notice speaks of the issuance of no objection to be granted by the said authority.

4. The respondent No.2 has filed an affidavit on record duly sworn by the Assistant Director of Town Planning, Special Planning Authority, MHADA, Chandrapur stating that the ownership of the petitioner is not in dispute, however, the respondent No.2 has not received an amount from the State Government for payment of compensation and as such, the acquisition proceedings and further development are not initiated.

5. We have considered the said stand.

6. We fail to understand the failure of the respondent of having not taking any steps in the matter of acquisition of the land once the purchase notice was served on them.

7. The very object with which the respondent No.2 was created was to have development in the public interest on the land and it is upon his request, the land in question was earmarked in the development plan for public project to be implemented by the said respondent.

8. The fact remains that the respondent No.2 has though claimed amount, to be paid towards compensation from the State Government, the same was not released by the State Government.

9. As a sequel of above, rightly so the petitioner is claiming release of the land from the clutches of the reservation as the purchase notice was not honoured by the respondent for want of financial aid.

10. We fail to understand, once the area is earmarked for providing public amenities by the respondent No.2, what prompted the respondent No.2 who is duty bound in law and his failure to execute such project. The least that was expected of the State Government was to cater the requirement of the respondent No.2 to acquire the land in question by executing a sale-deed in their favour, however, it is the respondent No.1's failure which has resulted into the land being released from the acquisition.

11. We make it clear that the copy of this order be placed before the respondent No.1, who shall be sensitive to the purpose for which the respondent No.2 has sought the funds viz. for the purpose of acquisition of the land so as to provide better civic and public amenities.

12. In this background, the petition stands allowed.

13. We hereby declare that the land of the petitioner which is reserved by the respondent No.2 is released from the reservation and consequential notification to that effect be issued within a period of six weeks from today.

(MRS. VRUSHALI V. JOSHI, J.) (NITIN W. SAMBRE, J.)