



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

WRIT PETITION NO. 348 OF 2025

PETITIONER:

Dr. Abhay Kashinath Patil,
Age 58 years, Occupation : Medical
Profession, R/o C/o Dr. K. S. Patil
Hospital, Behind LIC Office, Shrawagi
Plot, Akola, District Akola.

...V E R S U S...

RESPONDENTS

1. The State of Maharashtra through the
Secretary, Urban Development
Department, Mantralaya, Mumbai-32.
2. The Municipal Corporation Akola
through its Commissioner at Akola O/c
Municipal Corporation Akola, Ta. Akola
District Akola.
3. The Collector, Akola, through its Special
Land Acquisition Officer, Akola, Collector
Office, Akola 444001.

Mr. G.K. Mundhada, counsel for petitioner.

Mr. N.R. Patil, AGP for respondent Nos. 1 and 3.

Mr. J.B. Kasat, counsel for respondent No.2.

CORAM

: ANIL S. KILOR AND RAJNISH R. VYAS, JJ.

DATE

: 26/11/2025

JUDGMENT : (Per Rajnish R. Vyas, J)

1. Heard. **Rule.** Rule made returnable forthwith. By

consent of the parties, petition is taken up for final hearing at the stage of admission.

2. By way of present petition, the following prayer is made; to declare that the reservation for Site No. 94 (reserved for purpose of Government Administrative Purpose) vide Resolution No. 94, affecting the land of Survey No.12/1 of village Kaulkhed, Tq. Akola, Dist. Akola, area admeasuring 0.50 HR and owned by the petitioner, in the 1st Revised Final Development Plan of Akola city, 2024, has lapsed under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short “the Act of 1966”). The prayer is also made to declare that petitioner is free to develop the land in the manner permissible to adjacent land as per the development plant.

3. It is the submission of the petitioner that on 01/01/1992, first development plan of the City of Akola was sanctioned by the State Government, which came into force on 01/03/1993, wherein the land stated above was reserved for purpose of Government Administration vide Reservation No. 94. According to him, since no steps of acquisition were taken by the respondent/authorities in spite of lapse of ten years, a notice

under Section 127 of the Act of 1966 was issued to the respondents on 26/02/2022 along with 7/12 extract, part plan map of development plan, measurement sheet, and Vakalatnama (Page-23). He then contended that, in spite of this notice, the respondents had taken no action.

4. Respondent No.2 – Municipal Corporation, Akola, filed its reply dated 14/07/2025, contending that since appropriate authorities for acquisition were respondent Nos. 1 and 3 i.e. the State of Maharashtra, by communication dated 19/04/2022, the Commissioner of Municipal Corporation, Akola, communicated respondent No.3 – Collector, Akola for taking necessary steps of acquisition of the land in view of the purchase notice.

5. Respondent No.3, in its reply dated 13/08/2025, contended that it has not received any demand from any authority related to the development plan seeking acquisition as per Development Plan.

6. In the aforesaid background, it is clear that though a purchase notice was issued on 26/02/2022 along with relevant documents, and was duly received, nothing has been done by the respondent authorities. No steps were taken to acquire the

reserved land under development plan by the respondents and therefore, the statutory right of the petitioner cannot be taken away. Merely because the second revised draft development plan was pending, the petitioner cannot be held dis-entitled from claiming the relief.

7. That being so, we allow the present petition on following terms.

ORDER

- A] The writ petition is **allowed**.
- B] It is declared that reservation for Site No. 94 (Government Administrative Purpose), affecting the land of Gat/Survey No.12/1 of village Kaulkhed, Tq. Akola, District Akola, area admeasuring 0.50 HR and owned by the petitioner, in the 1st Revised Final Development Plan of Akola City, 2004, has lapsed under Section 127 of the Act of 1966. The petitioner is, therefore, free to develop the land owned by him in the manner permissible to adjacent land as per the development plan.
- C] The respondent No.1 is directed to notify and publish the same in Official Gazette within a period of eight weeks from the receipt of this order.

8. Rule is made absolute in above terms. No order as to costs. Pending Application(s), if any, stand(s) **disposed of**.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)