



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

WRIT PETITION NO. 2728 OF 2024

(Sadanand Lahanu Pawar and another vs. State of Maharashtra and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. N.B.Bargat, Advocate for petitioner.
Mr. A.V.Palshikar, AGP for respondent Nos.

CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATE : FEBRUARY 13, 2025

1) The petitioner claims the relief of lapsing of the land of Survey No.9/1 and 19 admeasuring 0.75 HR situated at Mouja Godhani Railway, Nagpur (Rural). We find that under the order u/s.8(4) of the Urban Land (Ceiling and Regulation) Act, 1999 ("ULC Act") dated 27/10/1994 (page 66) the land admeasuring 7300 sq.mtrs. of Survey No.9/1 and 19 were the subject matter in respect of which notification under Section 10(3) is claimed to be published on 15/12/2005 (page 99), however, it appears that the notice under Section 10(5) of the ULC Act dated 31/10/2007 (page 74) does not indicate the date of taking possession by the Tahsildar. There is no other documents placed on record by the learned Assistant Government Pleader which indicate that possession in terms of Section 10(5) of the ULC Act has been taken over by the Tahsildar. That being the position, the mandate of Section 3(1) (a) of the ULC repeal Act, 1999 is not satisfied, in view of which, we are constrained to declare that the Urban Land Ceiling Proceedings No.47/1994 in respect of the land Survey No.9/1 and 19 of Mouja Godhni Railway, Nagpur (Rural) stand lapsed.

The respondents therefore, to take an entry accordingly in their record.

2) The petition is therefore, allowed in the above terms. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

KOLHE