



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

WRIT PETITION NO. 1836 OF 2025

Shri Shankar s/o Chudamanji Mahajan Vs State of Maharashtra through its Secretary Urban
Development Dept. Mantralaya and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Rahul Tajne, counsel for petitioner.
Mr. Girish Kunte, counsel for respondent No.2.
Mr. N. S. Jadhav, counsel for respondent No.3.
Mr. H.D. Marathe, AGP for respondent/State.

CORAM : ANIL S. KILOR and RAJNISH R. VYAS, JJ.
DATE : 19/12/2025.

1. Heard learned counsel for the respective parties.
2. A prayer in the present petition is to issue an order declaring that the reservation upon the land owned by the petitioner, bearing Survey No. 87/4 admeasuring 0.14 hectare, situated at Mouza Somalwada, Tahsil and District Nagpur, within the limits of Nagpur Municipal Corporation, Nagpur, as per the Development Plan of Nagpur, has lapsed in terms of Section 127 of the Maharashtra Regional Town Planning Act (hereinafter referred to 'the Act'). Consequential prayers are also made.
3. The land stated above was reserved for a school as per the Development Plan, which was notified on 07.01.2000 and finalized on 10.09.2001 vide Reservation No. MS-105. Since no steps were taken by the respondents for acquisition of the land, the petitioner, on 06.11.2014, issued a notice under Section 127 of the Maharashtra Regional Town Planning Act.

4. On 06.08.2015, a communication was received by the petitioner from the Municipal Corporation stating that it does not require the land, but that the competent authority is the Nagpur Improvement Trust. Consequently, on 21.08.2015, the petitioner received a communication from Respondent No.2 – Nagpur Improvement Trust, stating that the notice earlier sent was not accompanied by various documents. According to the petitioner, as there was no requirement to supply documents of title, again on 28.01.2021, the petitioner issued a communication to Respondent No.2 requesting de-reservation of the land.

5. Respondent No.2- Nagpur Improvement Trust informed the petitioner that the Planning Authority was the Nagpur Municipal Corporation and therefore, the case was referred to it.

6. On 19.05.2021, Respondent No.3 – Nagpur Municipal Corporation issued a communication stating that the Planning Authority was the Nagpur Improvement Trust and forwarded the case to it. Thereafter, the Nagpur Improvement Trust, on 14.07.2021, informed the petitioner that the documents of title earlier demanded were not supplied and that the application dated 06.11.2014 stood rejected.

7. The petitioner, on 23.08.2021, submitted the relevant documents, which were duly acknowledged by the Nagpur Improvement Trust. Thereafter, the Nagpur Improvement Trust sought a report from the Nagpur Municipal Corporation as to whether the land was required, vide communication dated 21.10.2021. Since there was no response, a reminder dated 17.01.2022 was sent by the

petitioner to the Nagpur Improvement Trust requesting de-reservation of the land.

8. In pursuance of the said communication, the Nagpur Municipal Corporation issued a communication dated 02.05.2022 requesting the Nagpur Improvement Trust to take appropriate action. By a further communication dated 20.09.2022, the Town Planning Department of the Nagpur Municipal Corporation requested the Education Officer of the Education Department, Nagpur Municipal Corporation, to submit a report as to whether the land in question was required.

9. Finally, on 13.12.2023, the Nagpur Municipal Corporation, through its Town Planning Department, informed the petitioner that in future the said land may be required for a CBSE-ICSE school and, therefore, the earlier reservation be maintained.

10. Learned counsel for the petitioner, in the aforesaid background, submitted that the petitioner was required to run from pillar to post and, in spite of the lapse of the statutory period, action under Section 127 of the Act was not taken by the respondents. He, therefore, prayed for allowing the petition.

11. Per contra, Mr. Girish Kunte, learned counsel for Respondent No.2 – Nagpur Improvement Trust, opposed the petition and contended that the land in question falls under the Green Belt Control Scheme and that, as per Government Notifications dated 27.02.2002 and 09.04.2021, the Planning Authority for the subject land is the Nagpur Improvement Trust. He further submitted that the purchase notice was not accompanied by ownership documents and, therefore, the petition is liable to be dismissed.

12. Mr. Girish Kunte further submitted that after the communication dated 24.11.2023, informing that the land may be required for a school and that the reservation should be kept intact for further development by the Nagpur Improvement Trust, the Trust informed the petitioner vide letter dated 13.12.2023 to apply with all required documents for availing the Transfer of Development Rights (TDR) process..

13. In the aforesaid background, we have tested the contentions of the parties. From the dates discussed hereinabove, it is crystal clear that the statutory period contemplated under Section 127 of the Maharashtra Regional Town Planning Act has already lapsed. There is nothing on record to show that any steps of acquisition were taken by the respondent authorities so as to justify rejection of the petition. The receipt of the purchase notice is also not disputed.

14. As the period of ten years has lapsed from the date of publication of the Development Plan and no steps for acquiring the land have been taken, we have no option but to allow the petition.

15. Once a purchase notice is served under Section 127 of the Act, steps to acquire the land must follow within a period of one year from the date of service of notice, otherwise the land acquisition proceedings would lapse.

16. Consequentially, the petition is **allowed** in terms of prayer clause-1. Necessary notification shall be issued by the concerned respondents as expeditiously as possible and, in any case, within a period of ten weeks from receipt of this order.

17. In that view of the matter, the writ petition stands disposed of accordingly.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)