



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

WRIT PETITION NO.2518 OF 2025

Santosh Shriram Yadav and another .Vs. The State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr G. K. Mundhada, Advocate for the petitioners
Mr D. P. Thakare, Addl.GP for respondent No.1
Mr R. D. Dharmadhikari and Mr S. S. Chopde, Advocates for respondent Nos. 2 and 3

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.
DATED : SEPTEMBER 10, 2025.

Heard.

2. The petitioners are the joint owners of Survey No. 50/2, admeasuring 0.95 H. R. of village Shegaon, Tq. & Distt. Amravati.

3. The first Final Revised Development Plan was sanctioned and came into force on 25.02.1993, wherein the land of the petitioners was shown as reserved for Maternity Home and Dispensary vide reservation No. 8, Primary School vide reservation No. 9 and Play ground vide reservation No. 10. However, the respondents did not take steps for acquisition of the said land.

4. On 06.12.2018, second Revised Draft Development Plan was published for calling the suggestions and objections on it. In the said Second Revised Draft Development Plan,

the land of the petitioner was shown as reserved for the purpose of park vide reservation No. 9.

5. On 17.04.2023, the petitioners issued purchase notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short 'the MRTP Act') and after finding of the deficiencies, the same were removed by the petitioners.

6. The statutory period of 24 months after issuance of purchase notice lapsed on 16.04.2025 and therefore, this petition to declare the land of the petitioner as de-reserved.

7. The prayer made by the petitioner is opposed by the respondent Nos. 2 and 3 on the ground that after the second Revised Draft Development Plan of the land, the notice for purchase was issued and therefore, the benefit of lapsing of reservation cannot be granted to the petitioners.

8. It is an admitted fact that the second Draft Development Plan for Amravati is not yet finalized and it is pending under Section 31 of the MRTP Act with the Government.

9. In a similar matter, in the case of *Santu Sukhdeo Jaibhave and others .v/s. Nashik Municipal Corporation and others*¹ this Court has observed thus :

“28. It is thus clear that even in respect of such revised development plan, a draft thereof has to be published followed by the objections and

¹ 2023 (2) BCR 469 (decided on 26.02.2025)

suggestions, as may be, filed by the person concerned, and after consideration of those objections and suggestions, final revised development plan is sanctioned. In our view, till such time, the draft Revised Development Plan is sanctioned finally and comes into effect in accordance with the provisions prescribed in the MRTP Act, the Draft Revised Development Plan has no legal sanctity and cannot be considered as final.

29. *It is obvious that if any objections and suggestions opposing the Draft Revised Development Plan are accepted by the Planning Authority, such Draft Revised Development Plan would not be final in its original form. Admittedly the purchase notice issued by the petitioner under Section 127 was not issued after the sanction of Draft Revised Development Plan under Section 31 of the MRTP Act. The respondents thus cannot be allowed to urge that the notice issued by the petitioners under Section 127 of the MRTP Act after publication of the Draft Revised Development Plan would not be a valid purchase notice. There is no substance in the submission made by the learned counsel for the respondents that the time to take steps by the respondents to acquire writ land would not commence from the date of receipt of purchase notice in view of the respondents already having published a Draft Revised Development Plan or that the petitioners would have to issue a fresh notice under Section 127 of the MRTP Act after expiry of 10 years from the date of sanction of Draft Revised Development Plan. The submission advanced by the learned counsel for the respondents are ex facie contrary to the provisions prescribed in Chapter III of the MRTP Act.”*

10. It is thus evident that mere publication of Draft Revised Development Plan cannot be a reason to deny the relief, as sought by the petitioner, for the reason that such Draft Revised Development Plan would not be finalized in its original form unless the objections and suggestions opposing the Draft Revised Development Plan are accepted by the Planning Authority. Unless such Revised Draft Development Plan is finalized, the respondents cannot be permitted to oppose or to allow to urge that the notice issued by the petitioners under Section 127 of the MRTP Act after publication of the Draft Revised Development Plan would not be a valid purchase notice.

11. In the circumstances, since there is no other reason mentioned by the respondent Nos. 2 and 3 to oppose the petition, we pass the following order:

ORDER

- i. Writ Petition is allowed in terms of prayer clause (A).
- ii. The notification about lapsing of reservation shall be published at the earliest.

The writ petition stands **disposed of**, accordingly. No order as to costs. Pending applications, if any, stand disposed of.

[RAJNISH R. VYAS, J]

[ANIL S. KILOR, J.]