



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

WRIT PETITION NO 5750 OF 2024

(Chetan Brijmohan Bajaj 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

Mr. G.K. Mundhada, Advocate for petitioner.
Mr. P.P. Pendke, AGP for respondent No.1 /State.
Mr. M.I. Dhatrak, Advocate for respondent No. 2.

CORAM : ANIL S. KILOR & RAJNISH R. VYAS, JJ.

DATED : 13-10-2025.

Heard.

2. Rule. Rule made returnable forthwith. Heard finally with consent of learned counsel for the parties.

3. By way of instant petition, the petitioner has prayed that declaration be given that reservation for playground vide Reservation No.S-175, for the purpose of Hawkers Zone vide Reservation No. S-176 and for the purpose of 24 meter wide DP road affecting the land owned by the petitioner bearing Survey No. 497/1/P/9, area admeasuring 0.17 HR (appx 1700 sqmts) and Survey No. 493/2/1, area admeasuring 0.29 HR (appx 2900 sqmtr) of Mouza Gondia (B), District Gondia, has lapsed under Section 127 of the Maharashtra Regional Town Planning Act, 1966 (for short, "the Act") and petitioner is free to develop the land owned by him in the manner permissible as per the Development Plan of Gondia City. He has also prayed for direction to issue Notification to that effect.

4. On 4-4-2012, Development Plan of City of Gondia was published and sanctioned under Section 31(1) of the Act which came into force on 15-05-2012.

5. As the petitioner was deprived from beneficial use of the land, he has issued five notices under Section 49 of the Act, which were rejected by the respondent authorities. According to petitioner, on 14-05-2022, period of 10 years from the date of Development Plan had lapsed. The petitioner accordingly, authorized his counsel to issue notice under Section 127 of the Act to the respondents calling upon them to acquire the land within statutory period of 24 months.

6. On 2-06-2022, respondent No.1, vide its letter dated 02-06-2022 directed respondent No. 2 to clear the land within statutory period of 24 months by checking validity of notice. The respondent No.1 filed its reply and contended that it has not received any proposal for deleting reservation from respondent No.2. So far as respondent No.1 is concerned, it was contended that though the petitioner alleged that under Section 127 of the Act on 16-05-2022, notice was claimed to be served upon respondents but no material has been produced on record. It was further contended that the notice in question was not a valid notice since it was issued by the counsel and not by the petitioner. It was also stated that the respondent No. 2 will decide to clear the land after consultation with the State Government and after resolving the issue of availability of funds for the purpose of acquisition. Thus, it is admitted position that no steps are taken by the respondents to acquire the land which may be due to non availability of funds. Since the purchase notice satisfies the statutory requirement, there is absolutely no merit in the objection taken by the respondents. It is further pertinent to mention here that Sections 29 and 32 of the Advocates Act also authorizes an advocate to represent his client in legal proceedings.

7. In that view of the matter, we allow the petition in terms of prayer clause 1 and direct respondent No. 2 to issue Notification in

official gazette to that effect, within reasonable period. Petition is disposed of.

(RAJNISH R. VYAS, J)

(ANIL S. KILOR, J)