



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

WRIT PETITION NO 6203 OF 2023

(Surendra s/o Laxminarayan Jaiswal and ors Vs. State of Maharashtra and ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.S. Dhore, Advocate for petitioners.
Mr. P.P. Pendke, AGP for respondent No.1 /State.

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

DATED : 07-10-2025.

Heard.

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

3. The petitioner has prayed for following relief:

“i) Declare that the Reservation No. 64 of site for MHADA Housing Scheme in the development plan (at Annexure-C) of the respondent No.1 Municipal Council, Yavatmal over the land admeasuring 7.74 HR, at Survey No.14, Mouza Yavatmal, District Yavatmal, of the petitioners stand lapsed under Section 127 of the Maharashtra Regional & Town Planning Act, 1966 and that the petitioners are free to develop the said land owned by them;

4. According to the petitioner, the land which fall in their survey, was subject matter of development plan of Yavatmal town which was sanctioned by the Government of Maharashtra (Urban Development Department) vide its notification dated 8.7.1998 which came into effect from 4.9.1998. However, in spite of lapse of 24 years, the said land has not been acquired and also compensation is not paid.

5. The petitioner on 4.8.2021 (page 38) issued notification under Section 127 of the Maharashtra Regional Town Planning Act,

1966 calling upon the respondents to purchase the land. In spite of the receipt of said notice, there was no action initiated within stipulated time to acquire the land. The respondent No.1 has filed its reply and contended that it is in fact, for the other respondents to take a call. Though, in this matter, notice was issued on 14.9.2023 and respondent Nos. 2 and 3 were served, reply has not been filed. On 12.9.2024, matter was adjourned to 25.9.2024, since learned counsel for respondent No. 3 had assured to place copy of reply on record, despite this fact, no reply or affidavit is filed by respondent Nos. 2 and 3 due to which inference can be drawn that respondents have nothing to say in rebuttal.

6. In that view of the matter, since statutory compliance is made and since no steps for acquisition are taken, the petition is hereby allowed in terms of payer clause A with further direction that the petitioners would be free to develop the land owned by them as per the development plan. The respondent authorities are directed to issue Notification in official gazette to that effect, within reasonable time.

(RAJNISH R. VYAS, J)

(ANIL S. KILOR, J)