



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

WRIT PETITION NO.6440/2024

Ashok Jaysingh Thakur

...Versus...

**The State of Maharashtra through the Secretary, Urban Development
Department, State of Maharashtra, Mantralaya, Mumbai and another**

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

Court's or Judge's orders

Ms Manjusha Dongre, Advocate for petitioner
Mr. A.S. Fulzele, Addl. G.P for respondent No.1
Mr. A.R. Fule, Advocate for respondent No.2

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

DATE : 17/03/2025

1. It is not disputed that the land in question of Survey No.215/1/43 admeasuring 51.65.97 HR of village Datala Tq. and Distt. Chandrapur came to be reserved for the purpose of Hospital and Vegetable Market vide Reservation Nos.146 and 147 respectively in the Regional Development Plan, dated 01/09/1998. No steps for acquiring the same were taken, as a result of which, on 31/12/2020 a notice under Section 127 of the Maharashtra Regional And Town Planning Act, 1966 was issued to the respondent No.2, the receipt of which, is not denied. In spite of the receipt of the notice, nothing has been done till date.

2. Though Mr. Fule, learned Counsel for the respondent no.2 submits that a proposal has been sent to the State for requisitioning the funds, and nothing has come out

of it, that by itself cannot be a reason, for the law not to take its own course.

3. In that view of the matter, since the receipt of the notice and passage of the statutory duration, thereafter, is not disputed, we have no choice than to declare that the Development Plan Reservation Nos.146 and 147 in respect of the aforesaid property stand lapsed.

4. The writ petition is accordingly allowed in the above terms. The State to publish a notification accordingly within a period of four weeks from today.

5. No order as to costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)