



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

WRIT PETITION NO.641 OF 2024

Dipak Manikrao Chawhan, Aged about 59
years, Occ. Service, r/o Sarashwati Nagar,
Arvi, District Wardha.

... PETITIONER

VERSUS

1. State of Maharashtra, through its Secretary,
Revenue Department, Mantralaya, Mumbai
– 32.
2. The Municipal Council, Chandur Railway,
through its Chief Officer, Chandur Railway,
District Amravati.
3. The Assistant Director of Town Planning
Amravati, Office at Tatte Building, Behind
Collector Office, Amravati.
4. The Development Authority, Municipal
Council, Chandur Railway, District
Amravati.
5. The Chief Executive Officer, Municipal
Council, Chandur Railway, District
Amravati.
6. Director of Town Planning, Maharashtra
State, Office at Central Offices, Pune 411
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(Amendment carried out as per order
dated 24.01.2025.)

... RESPONDENTS

Shri Alok Daga, Advocate for the petitioner.

Shri N.S. Bhelkar, Advocate for respondent nos. 2 and 5.

Shri A.S. Fulzele, Assistant Government Pleader for respondent nos. 1, 3 and 6/State.

CORAM : SMT. M.S. JAWALKAR AND PRAVIN S. PATIL, JJ.

DATE : 14.07.2025.

ORAL JUDGMENT : (Per : Pravin S. Patil, J.)

Heard. **RULE.** Rule is made returnable forthwith.

2. The matter is taken up for final disposal by consent of the parties.

3. By this petition, the petitioner is seeking declaration of dereservation of agricultural land bearing Survey No.27, admeasuring 3.60 HR having Class I right at Mouza Chandur Railway, Tahsil Chandur Railway, District Amravati, as lapsed and the same be dereserved from the Notification dated 31.08.2009.

4. It is undisputed that the petitioner is the owner of the agricultural land bearing Survey No.27 admeasuring 3.60 HR of Mouza Chandur Railway. It is not in dispute that respondent no.6 sanctioned the revised development plan and thereby issued the Notification dated

31.08.2009, whereby the land owned by the petitioner was reserved for public purpose. It is also revealed from the record that for a period of 10 years from the issuance of Notification, the land of the petitioner was not acquired nor any steps has been taken by the respondents. Therefore, on 16.01.2021, the petitioner had issued purchase notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 ('the MRTP Act') and thereby called respondent nos. 3 to 5 to acquire the land within a period of two years. Admittedly, notice was duly served on respondents.

5. After issuance of notice, statutory period of 24 months has been expired on 16.01.2023, but during this no steps were taken by the respondents for acquiring the land of the petitioner nor replied to the statutory notice of the petitioner. In the background of above said factual position, the petitioner is approached to this Court.

6. *Per contra*, it is the submission of respondents No. 2 and 5 that, owing to financial constraints and the obligation of respondent No. 2 to allocate the funds received from the Government towards other essential development works, respondent No. 2 was unable to acquire the petitioner's land within the stipulated period.

7. In the circumstances, it is clear from the record that after

notification issued by respondent nos. 2 and 5 dated 31.08.2009, for a period of 10 years development plan was not executed on the acquired land. Furthermore, the petitioner on 16.01.2021 duly served statutory notice under Section 127 of the MRTP Act to respondents, but after receipt of statutory notice also, no steps were taken to acquire the land. Nor replied to statutory notice. On the other hand, respondent nos. 2 and 5 in their affidavit candidly admitted that due to financial constraints, respondent no. 2 was unable to acquire the land within time limit of 24 months after receipt of notice.

8. In view of the aforestated circumstances, we are, *prima facie*, of the considered opinion that the petitioner has made out a case warranting the grant of relief as prayed for. Therefore, the Writ Petition is allowed.

9. The land owned by the petitioner bearing Survey No.27, admeasuring 3.60 HR having Class I right at Mouza Chandur Railway, Tahsil Chandur Railway, District Amravati is hereby declared as lapsed under Section 127 of the MRTP Act.

10. Respondent nos. 3 to 6 are hereby directed to release the the agricultural land in favour of the petitioner.

11. Respondent no.1 is directed to issue Notification for dereservation of the land of the petitioner as per the provisions of law.

12. The writ petition is disposed of accordingly. Rule is made absolute in aforesaid terms. No order as to costs.

(PRAVIN S. PATIL, J.)

(SMT. M.S. JAWALKAR, J.)

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