



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

WRIT PETITION NO. 3146 OF 2023

Akash Dattatray Marawar,
Aged about 48 yrs,
Occ. Business & Agriculturist,
R/o. Ghatanji, Tq. Ghatanji,
District Yavatmal

.....**PETITIONER**

...V E R S U S...

1.The State of Maharashtra,
Department of Urban Development
through Chief Secretary
Mantralaya, Mumbai.

2. Director
Town Planning Administrative
Building Camp, Pune,

3. Dy. Director,
Town Planning (Division Amravati)
Faizpura, Jail road, Amravati

4. Assistant Director,
Town Planning Collectorate,
Yavatmal

5. Planning and Development Office,
The Municipal Council, Ghatanji,
through its Chief Officer, Ghatanji,
Tq. Ghatanji, District Yavatmal,
Maharashtra.

.....**RESPONDENTS**

Mr. V.D. Darne, Advocate for petitioner.
Mr. N.S. Rao, AGP for respondent Nos 1 to 4/State.
Mr. P.P. Deshmukh, Advocate for respondent no. 5.

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

DATED : 30.09.2025

JUDGMENT (Per : Rajnish R. Vyas)

A prayer in this petition is regarding declaration of lapsing of reservation of the petitioner's land admeasuring 640 SqMtr in part of Survey No. 10/2 and area admeasuring 4700 Sq.Mtr in part of Survey No. 10/3, Mouza-Ghatanji, District Yavatmal which was reserved by the respondent under reservation No. TPS-2700/3094/CR-193(A)2000/ UD-30, DATED 14-05-2002.

2. We have heard learned counsel Mr. V.D. Darne, for petitioner, learned AGP Mr. N.S. Rao, for respondent Nos 1 to 4/State and learned counsel Mr. P.P. Deshmukh, for respondent no. 5.

3. It is the contention of the petitioner that the aforesaid land was reserved vide reservation No 5 for Belkhede, PS

Shopping Centre and Vegetable Market. The Draft Development Plan dated 09-02-1999 for Ghatanji town under Section 30(1) of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Township Act, 1965 (for sake of brevity, referred to as "the Act") came to be approved by the Urban Development Department on 14-05-2002. In the aforesaid development plan, the land was reserved as stated above. Since there were absolutely no steps taken by the respondent for acquisition of land, Purchase Notice under Section 127 of the Maharashtra Regional Town Planning Act was issued on 05-03-2021 by the petitioner and thereafter the President of respondent No. 5 Municipal Council, Ghatanji on 3-5-2021 communicated to the petitioner that in its meeting vide Subject No. 22, proposal of the petitioner was rejected as it was not technically suitable.

4. It is clear from record, more particularly, reply filed on behalf of respondent No. 5 that on 4-Belkhede, PS

3-2025, Municipal Council had informed that it is unable to purchase the land due to financial constraints. The fact remains that no steps were taken towards acquisition and therefore, rightly, Purchase Notice under Section 127-1 of the Maharashtra Regional Town Planning Act was issued on 05-03-2021. On the contrary, respondent No. 5 Municipal Council has admitted that due to financial constraint, the land in question cannot be purchased.

5. In that view of same petition is allowed.

6. It is declared that the reservation on the aforesaid land admeasuring 640 SqMtr in part of Survey No. 10/2 and area admeasuring 4700 Sq.Mtr in part of Survey No. 10/3, Mouza Ghatanji, District Yavatmal has lapsed and is deemed to have been released from the said reservation.

7. The respondent/State is directed to notify the same in official gazette within reasonable period.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)