



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

WRIT PETITION NO. 2017 OF 2024

Shakila Devanand Khobragade Vs. The State of Maharashtra, through the
Secretary, Urban Development Department and another

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Manjusha N. Dongre, Adv. h/f Mr. G.K. Mundhada, Advocate for Petitioner

Mr. A.M. Joshi, AGP for Respondent No.1

Mr. P.S. Tidke, Advocate for Respondent No.2

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

DATED : 4th MARCH, 2025

1. It is high time that the respondent Nos. 1 and 2 shut down the planning department, by which, reservations are made in terms of the development plan reservation as contained in Section 22 of the Maharashtra Regional Town Planning Act, for which, we find that in a majority of cases no steps are taken either by the authority for whose benefit the reservation is made or the State, does not takes steps, to supply adequate funds to the authority for acquisition of land, resulting into all lands reserved for open space, public utility, gardens, roads, being lost on account of the applicability of the Section 127 of the M.R.T.P. Act. The present petition is also a classic example of the same as much as the land in question is Survey No.

113.7, admeasuring 0.75.50 HR of Mouza Khutala, which came to be reserved under the reservation no. 72 for the purpose of garden in the development plan for the city of Chandrapur, which was sanctioned on 30.6.1998. The reply by MHADA, in para 7 indicates that they woke from their slumber, only after receipt of purchase notice by the petitioner, dated 31.12.2020, in pursuance to which, they demanded an amount of Rs. 52 Crore from the respondent No.1 - State for acquisition of the land, which has not been supplied. This would indicate, that it is solely on account of the inaction by the respondent No. 2 as well as by the respondent No.1, consequent to the demand by the respondent No. 2 that the present situation has arisen. We, therefore, deprecate this conduct and attitude on the part of the respondent Nos. 1 and 2, which results in nullifying the development plan reservations. We at least hope that in future, the respondents would, take immediate steps, so that similar situations would not arise. We also put the respondents on notice, in case such situation has arisen on account of laxity on their part, the Court shall be constrained to impose exemplary cost upon the respondents, as on account of their fault, there is loss of development plan reservations.

2. Considering what we have discussed above and in view of the fact that there is no dispute regarding receipt of purchase notice, the lapse of 24 months therefrom and inaction on part of the respondents in taking any steps to acquire the land, within the aforesaid period in terms of Section 127 of the Act, we have no other option than to allow the petition, by holding that the reservation no. 72 for garden of the land bearing Survey No. 113/7, admeasuring 0.75.50 HR of Mouza Khutala, Tah. and Dist. Chandrapur, has lapsed in terms of Section 127 of the Act. The respondent No. 1 is directed to issue an according notification in this regard within a period of four weeks from today.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)