



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

WRIT PETITION NO. 2053 OF 2024

PETITIONER

: Jyotikaur Ram Singh Khatri,
maiden name Jyoti Vithalrao Satavkar,
Age 62 years, Occu. Retired,
R/o 38, MIG, MHADA Colony,
Dolamethi, 8th Mile, Amravati Road,
Nagpur.

VERSUS

RESPONDENTS

- : 1] The State of Maharashtra,
through the Secretary,
Urban Development Department,
Mantralaya, Mumbai – 32.
- 2] The Nagpur Municipal Corporation,
through its Commissioner,
Civil Lines, Nagpur, Dist. Nagpur.
- 3] Nagpur Improvement Trust,
through its Chairman, Station Road,
Sadar, Nagpur.

Mr. G. K. Mundhada, Advocate for the petitioner
Ms. D. V. Sapkal, A.G.P. for respondent no.1
Mr. Pratik D. Khedikar, Advocate h/f Mr. G. A. Kunte, Advocate
for respondent no.2
Mr. S. M. Puranik, Advocate for respondent no.3.

CORAM : SMT. M. S. JAWALKAR and
M. W. CHANDWANI, JJ.
DATE : JUNE 12, 2025.

ORAL JUDGMENT : (Per Smt. M.S.Jawalkar, J.)

1. **RULE.** Rule made returnable forthwith. By consent of the learned counsel for the parties, the matter is taken up for final disposal.

2. Heard Mr. G. K. Mundada, learned counsel fro the petitioner, Ms. D. V. Sapkal, learned Assistant Government Pleader for respondent no.1/State, Mr. Pratik D. Khedikar, learned counsel holding for Mr. G. A. Kunte, learned counsel for respondent no.2 and Mr. S. M. Puranik, learned counsel for respondent no.3.

3. It appears that the revised final development plan of Nagpur city was published and sanctioned by the State Government, which came into force on 07.01.2000. The land in question of the petitioner has been affected by the reservation for the purpose of park vide reservation No. MS-44 and for the purpose of primary school vide reservation no. MS-58.

4. The petitioner herein had acquired ownership of land bearing plot no. 151 out of layout of Shilpa Grih Nirman Sahakari Sanstha Maryadit, Nagpur being portion of entire land of khasra no. 75, mouja Somalwada, PSK 44, bearing City Survey No. 475 of Mouza

Somalwada, Situated at Narendra Nagar, Ward No. 15, Nagpur, Tq. & Dist. Nagpur, on 31.08.2019 by registered sale deed. The 10 (ten) years' period has expired on 06.01.2010 after the revised final development plan came into force.

5. On 26.02.2022, the petitioner issued notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the MRTP Act" for short) to the respondents along with a copy of sale deed, part plan, schedule of notification, property card, tax receipt, proposed layout map, which was duly received by the office of respondent no.2-NMC and respondent no.3-NIT on 28.02.2022. There is no dispute over this factual aspect by respondent nos.2 and 3.

6. Though, there was a direction by respondent no.1 to respondent nos.2 and 3 to acquire the said land within the stipulated period of 24 months, it was not acquired. The statutory period of 24 months have been lapsed after receipt of notice under Section 127 of the MRTP Act, on 27.02.2024. As per the reply of respondent no.3, the development permission to the previous owner under Gunthewari scheme has been granted after deposit of the amount as the petitioner

has served notice under Section 127 of the MRTP Act. The petition is liable to be dismissed as already the plot is released under the Gunthewari scheme. However, it appears that respondent no.3 is not granting permission for development and RL is not issued on the ground that Public Interest Litigation Nos. 40/2013 and 88/2018 are pending.

7. In PIL No. 40/2013, by way of interim relief, this Court directed that until further orders are passed in the matter, the respondents shall not regularize any unauthorized constructions on the lands which are reserved in the Development Plan for playgrounds or open space. However, in view of the above submissions, there is no compliance of Section 127 of the MRTP Act and in spite of notice, no steps were taken within the statutory period of 24 months for acquiring the land. As such, the reservation has lapsed in view of Section 127 of the MRTP Act. Accordingly, we proceed to pass the following order :

8. The Writ Petition is allowed.

9. It is declared that the reservation dated 07.01.2000 for

the purpose of park vide reservation No. MS-44 and for the purpose of primary school vide reservation no. MS-58, has been lapsed.

10. The notification to that effect be published within three months from today.

11. The land of the petitioner bearing Plot no. 151 out of layout of Shilpa Grih Nirman Sah. Sanstha Maryadit, Nagpur being portion of entire land of khasra no. 75, mouja Somalwada, PSK 44, bearing City Survey No. 475 of Mouza Somalwada, Situated at Narendra Nagar, Ward No. 15, Nagpur, Tq. & Dist. Nagpur is released from the reservation.

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

(M.W.CHANDWANI, J.)

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

Diwale