



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

WRIT PETITION NO. 2910 OF 2024

(Rajendrasingh Narayansingh Rathod & Anr.

Vs.

State of Maharashtra, Thr. The Secretary, Urban Development
Department, Mantralaya, Mumbai & Ors.)

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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Mr. T.D. Mandlekar, Advocate for the Petitioners.
Mr. A.M. Kadukar, AGP for the Respondent Nos. 1, 4 & 5/State.
Mr. J.B. Kasat, Advocate for the Respondent Nos. 2 & 3.

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

DATED : 21st MARCH, 2025

1. Heard.
2. It is the contention of Mr. Kasat, leaned Counsel for the Respondent Nos.2 and 3, that since the land in question is the Government land, given to the Railways, for the purpose of its use, the Corporation, would not act as a Planning Authority in view of Section 44(1) of the Maharashtra Regional & Town Planning Act, 1966.
3. Section 44(1) Maharashtra Regional & Town Planning Act, 1966 indicates, that it would not be applicable to Central or State Government or local authority intending to carry out any development, in view of which, the construction

made on Government land may not fall within the jurisdiction of the Corporation insofar as the implementation and enforcement of the Corporation Act is concerned.

4. The State is therefore to take appropriate instructions and make a statement in that regard, so as to in what rights, the land in question has been granted to the Railways and whether any permission for making any construction thereupon, has been granted and if yes, by whom, under which provisions.

CIVIL APPLICATION (CAW) NO.655/2025

The Application seeks addition of the parties. Considering the nature of dispute, the same is **allowed**.

2. Leave is also granted to add Collector, Amravati as Respondent No.13. The addition be done forthwith. Upon the same being done, issue notice to the added Respondents, returnable in **three weeks**.

3. Learned AGP waives notice for the Deputy Superintendent Land Records and Collector Amravati.

4. Petitioner to serve the remaining Respondent(s) by all modes permissible in law.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)