



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

WRIT PETITION NO. 4686 OF 2024

Mandakini Ruprao Khangar and others Vs. The State of Maharashtra
through its Secretary, Town Planning and Urban Development
Department and others

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. Sachin Deshpande, Advocate for Petitioners
Mr. P.P. Pendke, AGP for Respondent Nos.1 and 2
Mrs. Radhika Bajaj, Advocate for Respondent Nos.3 and 4

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

DATED : 24th MARCH, 2025

1. The lands of survey Nos.500, 501, 502, Mouza Mohpa, Tah. Kalmeshwar have been reserved for extension of weekly market, grain market and shopping center, in the regional plan dated 31.3.2012. Since no steps for their acquisition was taken by notice dated 16.4.2022, which was posted on 18.05.2022, the respondents were asked to take steps in terms of Section 127 of the Maharashtra Regional Town Planning Act.

2. Mrs. Bajaj, learned counsel for the respondent Nos. 3 and 4 does not dispute the receipt of notice dated 16.4.2022, she however submits that in terms of communication dated 07.07.2016 (page 103), the Regional Director Town Planning had

upon guidance being sought indicated that these lands would be required for the purposes for which they were reserved and therefore a proposal in terms of Section 308 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 be sent, which however has not been sent. This would clearly indicate to us, that inspite of the land being reserved, no steps have been taken for more than a period of 10 years for its acquisition and so also consequent to the notice dated 16.4.2022 for the statutory duration as enumerated therein. We are, therefore, constrained to allow the petition by declaring the regional plan reservation in respect of aforesaid lands of survey nos. 500, 501 and 502 of Mouza Mohpa, Tah. Kalmeshwar as indicated in regional development plan dated 31.3.2012 to stand lapsed. Respondent No.1 shall issue appropriate Notification in this regard within a period of four weeks from today.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)