



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

WRIT PETITION NO. 1863 OF 2025

Bhatia Lifestyles Pvt. Ltd.,
Through its Director Mr. Inishpal Singh
Bhatia, Age 31 years, R/o. Bhatia
Lifestyles Pvt. Ltd., Office 304 C wing,
Evershine Embassy, CTS-537,
Oshivara, Veer Dsai Road, Jogeshwari
West, Opposite Country Club,
Mumbai, Maharashtra, Pin – 400102.

...PETITIONER

// V E R S U S //

1. **The State of Maharashtra,**
Through the Secretary,
Urban Development Department,
State of Maharashtra, Mantralaya,
Mumbai.
2. **The Maharashtra Housing and Area**
Development Authority (MHADA),
Through its Chief Officer,
Civil Line, Temple Road,
Rajrani Chowk, Near Aamdar Nivas,
Nagpur.

..RESPONDENTS

Mr G. K. Mundhada, Advocate for the petitioner
Mr D. P. Thakare, AGP for the respondent No. 1/State
Mr P. S. Tidke, Advocate for respondent No.2

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.
DATED : SEPTEMBER 17, 2025.

O R A L J U D G M E N T : (PER : ANIL S. KILOR, J.)

1. Heard.

2. **RULE.** Rule made returnable forthwith. Taken up for final disposal with the consent of learned counsel for the parties.

3. By the present writ petition, the petitioner is praying for declaration that the reservations affecting the land owned by the petitioner having survey No. 285, admeasuring 1600 Sq. Mtr., Mouza Datala, Taluka and District Chandrapur is affected by the Reservation No. 93 for primary school have lapsed under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short 'the MRTP Act') and the petitioner is free to develop the land owned by them in the manner permissible to adjacent land as per Regional Development Plan of Chandrapur-Ballarpur region.

4. It is further prayed to issue direction to respondents to notify and publish in the official gazette notification under section 127(2) of the MRTP Act and declare that the reservations affecting the land owned by the petitioner, as stated herein above, have lapsed within stipulated period.

The facts in brief are as under:

5. That the Petitioner is the Private Limited Company operated through its director who are owner of land bearing survey No.285 of area admeasuring 1600.00 Sq. Mts., Mauza Datala, Tq. & Dist. Chandrapur.

6. The respondent No.1 on 29.12.1988 appointed respondent No.2 as the "Special Planning Authority" under Section 40(1)(b) of MRTP Act vide notification No.TPS-2284/1823/C.R.105/UD-9.

7. As per the said notification, the respondent No.2 has to undertake planned and orderly development of notified area of new Chandrapur. The Regional Development Plan of Chandrapur-Ballarpur Region was published by the Urban Development Department, Government of Maharashtra in which the said land was affected by the reservation of primary schools vide reservation No.93.

8. However, as 10 years has been lapsed, the development plan came into force, the notice under Section 127 of MRTP Act was issued by the petitioner to the respondent No.2 which was served personally in the office of the respondent No.2 on 21.06.2021.

9. By the said notice along with 7/12 extract & patwari map, respondents were called upon to acquire the said land within statutory period of twenty-four months. The Statutory period of twenty-four months under Section 127 of the MRTP Act has been lapsed after receipt of purchase notice under said provision.

10. The notification under Section 126 (2) & (4) of the MRTP Act read with Section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is not issued and published, hence petitioner has filed this petition.

11. The respondent No.2 who is Special Planning Authority under Section 40(1)(b) of the MRTP Act filed the reply and para 10 of the said reply reads thus:

“10. Special Planning Authority received notice from the petitioner under section 127 of M.R & T.P Act. No reply given to petitioner notice. As compensation amount requested by the Special Planning Authority, Chandrapur not yet received from the MHADA. No development made as per sanctioned plan. The land reserved for primary school (Reservation No. 93), land remain as it is till date.”

12. In the similar matter, this Court (Coram : Bharati Dangre and Abhay J. Mantri, JJ.) in Writ Petition No. 1983 of 2024 (*Nine Star Multiservices Pvt. Ltd. .v/s. The State of Maharashtra and another*) vide judgment dated 25.09.2024 allowed the petition and while doing so recorded the following observations:

“8. It is apparent that the petitioner is the owner of the lands in question. Vide notification dated 30/06/1998, respondent No.1 sanctioned and reserved the pieces of the lands for the Shopping Centre, Cultural Center & Library, and Primary School vide reservations Nos.68, 69 and 70, respectively. However, till December 2022, respondent No.2 failed to acquire the said lands. Therefore, the petitioner issued a purchase notice to respondent No.2 on 01/01/2021,

which was served on them. Despite service of the said notice, respondent No.2 failed to comply with the same or acquire the pieces of the lands in question. It is pertinent to note that respondent No.2 has not disputed the above facts. However, it is averred that due to the non-receipt of funds from the government, MHADA could not acquire the lands, or it was unable to initiate the acquisition proceedings within the statutory period. The averment shows that respondent No.2 failed to comply with the notice.”

13. In that view of the matter, it is evident that despite the service of purchase notice under Section 127 of the MRTP Act, respondent No.2 failed to comply with the said notice or acquire the lands in question.

14. On the contrary, it appears that the respondent No.2 is unable to initiate appropriate proceeding due to the fact that respondent No. 2 has not received compensation amount from the Government. In the circumstances we are of the opinion that the present petition needs to be allowed.

15. Accordingly, the petition is allowed in terms of prayer clause (A) and (B), which read thus:

(A) Declare that the reservations affecting the land owned by Petitioner having survey no. 285 of area admeasuring 1600.00 sq. mts. Mauja Datala Tq. & Dist. Chandrapur is affected by the reservation no. 93 for primary school have lapsed under Sec. 127 of the Maharashtra Regional and Town planning Act, 1966 and that the Petitioner is free to develop the land owned by them in the manner permissible to adjacent land as per Regional Development Plan of Chandrapur-Ballarpur Region.

(B) Direct the respondents to notify and publish in the official Gazette notification under Sec. 127 sub-Section (2) and declare that the reservations affecting the land owned by Petitioner having survey no. 285 of area admeasuring 1600.00 sq. mts. Mauja Datala Tq. & Dist. Chandrapur is affected by the reservation no. 93 for primary school have lapsed within eight weeks or the period as may be specified by this Hon'ble Court."

Rule made absolute in the above terms. No order as to costs. Pending applications, if any, also stand disposed of.

[RAJNISH R. VYAS, J]

[ANIL S. KILOR, J.]