IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 WRIT PETITION NO. 1562 OF 2025

Kirti Rahul Mantri And Others

VERSUS

The State Of Maharashtra Through Its Secretary And Others

...

- Mr. Girish S. Rane, Advocate for the Petitioners.
- Mr. N. S. Tekale, AGP for Respondent No. 1–State.
- Mr. Nirmal R. Dayama, Advocate for Respondent No. 2.
- Mr. Bhaktraj L. Patil, Advocate h/f. Mr. Ajay D. Pawar, Advocate for Respondent No. 4.

...

AND

912 WRIT PETITION NO. 11815 OF 2026

Vijaykumar Murlidhar Dalmiya And Another

VERSUS

The State Of Maharashtra Thr The Secretary And Others

...

- Mr. Vijay Bhalerao Patil, Advocate for Petitioners
- Mr. R. S. Wani, AGP for Respondent Nos. 1 and 2–State.
- Mr. Vishwamber Digamberrao Gunale, Advocate for Respondent No. 3.
- Mr. Bhaktraj L. Patil, Advocate h/f. Mr. Ajay D. Pawar, Advocate for Respondent No. 4.

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CORAM : KISHORE C. SANT &
JITENDRA JAIN, JJ.

DATE : 09th OCTOBER, 2026

PER COURT :

1. Since the subject matter involved in both these Petitions is similar, both the Petitions are taken up together and are being decided by this common order.

2. The Petitioners in Writ Petition No. 1562 of 2025 are the owners of land bearing Survey No. 319/2, situated at Jalgaon City

Shivar. Initially, a portion of the said land was shown to be reserved for the purpose of laying a canal. However, subsequently, the alignment of the canal was changed and, therefore, the land was no longer required for the said purpose. It is further seen from the record that even as per the changed alignment, the water is now proposed to be carried through an underground pipeline and, therefore, the land in question is not required for the said purpose. A resolution to that effect has also been passed by the Municipal Corporation, which is placed on record. The concerned authorities, namely Respondent Nos. 3 and 4, have also accepted this position. There is correspondence on record indicating the change in the alignment of the canal.

3. The erstwhile owners of the land had issued notices dated 29.03.2022 and 20.07.2022 to the Respondents under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short, "the MRTP Act"), seeking release of the land bearing Survey No. 319/2 from reservation. However, in the body of the said notices, Survey No. 319/2 was inadvertently mentioned as Survey No. 320/1. It is the case of the Petitioners that despite issuance of the notices, no steps have been taken by the Respondents for acquisition of the land, nor has any notification been issued under Section 127(2) of the MRTP Act. The Petitioners have, therefore, approached this Court.

4. In Writ Petition No. 11815 of 2026, the Petitioners are the owners of land bearing Survey No. 419/1/B, situated at Jalgaon. Admittedly, no notice under Section 127 of the MRTP Act has been issued by the Petitioners. However, it is their case that the said land is no longer required for the purpose for which it was reserved, as is evident from the resolution passed by the Municipal Corporation and the correspondence exchanged between the concerned authorities. It is further submitted that the adjoining land has already been released from reservation and, therefore, there is no justification for continuing the reservation in respect of the Petitioners' land.

5. The position that the lands in question are no longer required for the purpose for which they were reserved is also accepted by the Respondents.

6. Learned counsel for the Petitioners also rely upon the order dated 08.03.2024 passed by this Court in Writ Petition No. 798 of 2023, Javed Shaikh Abdul Latif Shaikh Vs. The State of Maharashtra Through the Secretary and Others, wherein a similar issue was considered and appropriate directions were issued. Paragraph 8 of the said order reads as under:

> *"8. If similar circumstances emerge in relation to any acquisition of land or any project included in the present pending project, the Jalgaon Municipal Corporation is at liberty to adopt a pragmatic approach in order to issue appropriate orders/communications for releasing of such*

properties without waiting for any petitioner to approach this Court."

7. Considering the aforesaid facts and, more particularly, the admitted position that the lands in question are no longer required for the purpose for which they were reserved, we find no justification for continuing the reservation over the lands belonging to the Petitioners. The reservation, therefore, deserves to be modified to the extent of releasing the lands of the Petitioners from the said reservation in accordance with law.

8. In view of the above, we find that both the Petitions deserve to be allowed. Hence, the following order:

O R D E R

i. Writ Petition No. 1562 of 2025 is allowed in terms of prayer clauses (A) and (B).

ii. Writ Petition No. 11815 of 2026 is allowed in terms of prayer clauses (B) and (C).

iii. The Respondent–State Government and the concerned authorities are directed to take necessary steps for release of the portions of the Petitioners' lands affected by the reservations and to issue the requisite notifications in accordance with law, within a period of three months from today.

[JITENDRA JAIN, J.] **[KISHORE C. SANT, J.]**