



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

29 WRIT PETITION NO.2261 OF 2026

Gopal Motiram Choudhari

VERSUS

The State Of Maharashtra Through The Secretary And Others

...

Mr. B. A. Chavan, Advocate for the Petitioner.

Mr. R. S. Wani, AGP for Respondents/State.

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 23 MARCH 2026

ORDER :

. Present petition has been filed for following reliefs :-

“(B) Quash and set aside the Reservation in Government notification No.TPS-3585/716/CR-165/UD-9 dated 12.11.1991 whereby the land bearing Gut No.391/2/2/1 and 391/2/2/2 of Sakegaon, Tq. Bhusaval, Dist. Jalgaon, belonging to the petitioners is reserved for National Highway No.6.

(C) Hold and declare that the land bearing Gut No.391/2/2/1 and 391/2/2/2 of Sakegaon, Tq. Bhusawal, Dist. Jalgaon, are not reserved for the development of National Highway No.6 vide Reservation in Government notification No.TPS-3585/716/CR-165/UD-9 dated 12.11.1991 and that the petitioners are free to use and develop the said land as true, lawful and absolute owners.

(D) Kindly, appropriate authority may directed to notify the lapsing of the reservation of petitioner property by an order to be published in the Official Gazette as per the requirements of Section 127 of the MRTP Act.”

2. Heard learned Advocate Mr. B. A. Chavan for the petitioner and learned AGP for the respondents/State.

3. Learned AGP places on record the communication, without date but of this month only, issued by the Sub Divisional Officer, Bhusaval stating that in view of the letter issued by his office to various departments on 15.12.2025 seeking no-objection certificates, a decision on the petitioner’s application for grant of NA permission to the land would be taken upon receipt of such certificates. The said communication is taken on record and marked as Exhibit “X”.

4. Upon our insistence, learned AGP is also producing the copy of Government Resolution dated 10.02.2026 whereby a decision has been taken by the Government to delete certain provisions of the Maharashtra Land Revenue Code. According to the said resolution, NA permission is not necessary in the given circumstances. Further, he also produces on record the Notification proposing the amendment in the Maharashtra Land Revenue Code, 1966, which has come into effect from 31.12.2025 as it has received the assent from Hon’ble the Governor of Maharashtra.

Section 42 of the said Code, which is substituted, reads thus :-

“42. (1) No permission of the Collector for change in use of land from agricultural to non-agricultural is required, if such use is permissible under the draft or final Development Plan or Regional Plan prepared and published as per the provisions of the Maharashtra Regional and Town Planning Act, 1966 or Development Control Regulations or any other rules or regulations or orders or guidelines issued under that Act and, the concerned Planning Authority may give development permission or may give approval to the building plan on such land.

(2) The occupancy status of land other than the Class-I occupancy land shall not be altered merely because the development permission is given or building plan is approved by the Planning Authority on such land.

(3) The Planning Authority shall, before giving development permission or approving building plan, recover one time premium at the rate mentioned in Section 47 for non-agricultural use of land.

(4) Where the Planning Authority grants development permission or approves building plan, necessary changes shall be effected in the revenue records pursuant to such permission or approval.”

5. According to us, such permission is not required, and in that regard we had called upon the learned Advocate for the petitioner to make a

statement, but according to the interpretation put by him of the law, he submits that such permission is required. We do not want to go into much further into these aspects. It is not the case that respondent Nos.2 and 3 have not taken any step, however, taking into consideration the application filed by the petitioner, no objection certificates from seven authorities are required. Under such circumstance, taking note of Exhibit-‘X’, we dispose of the writ petition by giving directions to respondent No.3 to decide the application within a period of 15 days after the seven authorities named in Exhibit-‘X’ have issued no objection certificates.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm