IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13906 OF 2022

Anuradha Radesham Sarda ...Petitioner

Versus

The State of Maharashtra and Others. ...Respondents

Mr. Suhas S. Deokar with Mr. A. S. Jambilkar & Ms. Prajkta Kamble, for the Petitioner.
Mr. V. G. Badgujar, AGP, for the Respondent No.1-State.
Mr. Sharad T. Bhosale, with Mr. Mohsin Khan & Mr. Viraj Dhumal i/b. Mr. Dilip Bodake, for the Respondent No2.

Coram : Sharmila U. Deshmukh & Neeraj P. Dhote, JJ.

Date : October 06, 2026.

P. C. :

1. By the present petition, the Petitioner seeks a declaration that the reservation on the Petitioner's land bearing old Survey No. 125/B, renumbered New Survey No. 123/1/5 has lapsed as per Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short, "**MRTP Act**"), and the land be released from the said reservation and be available for the purpose of development, which is permissible in the case of adjacent land under the plan.

2. The facts relevant for the purpose of considering the relief are that under the Development Plan of Solapur 1997–2017, the

Petitioner's land admeasuring 4,000 Sq. Mtrs. out of 3 H. 90 R was reserved for City Bus Terminus and Shopping Centre under Reservation No.13/06. As no steps were taken for acquisition of the said land within the statutory period of 10 years, a purchase notice was served on 5th May 2018 on the Planning Authority, which was responded to on 11th May 2018 seeking further documents. As the land was not acquired within 24 months from the date of the purchase notice, the present petition came to be filed.

3. Learned counsel appearing for the Petitioner would point out the notification by which the Development Plan came to be approved on 28th October 2004. He would further submit that though the purchase notice was served on 5th May 2018, no steps were taken for acquisition by the Solapur Municipal Corporation. He would further point out that by a communication dated 14th November 2025 addressed to the Urban Development Department, the Corporation has itself stated that the reservation has lapsed and an appropriate order in that regard will be issued by the Urban Development Department. He submits that though the communication was addressed by the Corporation on 14th November 2025, no decision has been taken.

4. Learned AGP, on instructions, would seek time for the State Government to take a decision on the communication dated 14th November 2025.

5. Mr. Bhosale, learned counsel appearing for the Respondent No.2-Municipal Corporation would submit that the Petitioner did not serve the complete notice and, therefore, is required to serve a fresh notice, which has not been done. He would, however, fairly concede that the communication dated 14th November 2025 has been addressed to the State Government for an order of lapsing of the reservation.

6. We have considered the submissions and perused the record.

7. In view of the statutory provisions of the MRTP Act, it is not necessary for this Court to await a decision to be taken by the State Government on the issue of lapsing of reservation. If the provisions of Section 127 of the MRTP Act are satisfied, the Petitioner is entitled to the relief sought in the petition, irrespective of whether the State Government takes a decision on the communication or not. For that purpose, if the facts are noted, the Petitioner's land bearing Old Survey No.125/B (New Survey No. 123/1/5) admeasuring 4,000 Sq. Mtrs. out of 3 H. 90 R., came to be reserved under the Development Plan, which was notified on 15th December 2004.

8. The provisions of Section 127 of the MRTP Act provides that if any land reserved for any purpose is not acquired within a period of ten years from the date on which the final Development Plan comes into force, the owner or any person interested in the land is entitled to serve

upon the Appropriate Authority a purchase notice; and if, within a period of 24 months from the date of service of such notice, the land is not acquired or no steps are commenced for its acquisition, the reservation is deemed to have lapsed. The period of ten years expired in the year 2014 and on 5th May 2018, the Petitioner served upon the Commissioner of the Solapur Municipal Corporation the purchase notice under Section 127 of the MRTP Act alongwith land ownership documents such as the 7/12 extract and the plan. In response thereto, by communication dated 11th May 2018, the Corporation called upon the Petitioner to submit the layout copy, measurement plan, etc.

9. Mr. Deokar, would submit that under the provisions of Section 127 of the MRTP Act, alongwith the purchase notice, it is only the documents showing title or interest in the land are required to be annexed and which had been duly annexed. We find from the communication dated 14th November 2025 addressed by the Corporation to the Urban Development Department that, in accordance with the requisition of the Corporation, all documents were served by the Petitioner, who had also informed the Corporation that the Petitioner is not interested in FSI or TDR. Pertinently, the communication of the Corporation itself admits the position that reservation has lapsed and seeks an order from the Urban Development Department under Section 127(2) as regards the notification. It is,

therefore, now not open for the Corporation to adopt a different stand as regards the lapsing of the reservation.

10. As the ingredients of Section 127 of the MRTP Act are satisfied and it is not demonstrated that any steps have been taken for acquisition of the land reserved in the final Development Plan, the Petitioner is entitled to the declaration of lapsing of reservation.

11. Accordingly, the Petition is allowed in terms of prayer clauses (a) and (b).

12. The State Government is directed to notify the lapsing of reservation by an order published in the Official Gazette expeditiously, and in any event within a period of four weeks from today.

[Neeraj P. Dhote, J.] **[Sharmila U. Deshmukh, J.]**

RAJU DATTATRAYA GAIKWAD
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Date: 2026.10.06 20:35:03 +0530