Salunke

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17221 OF 2025

JAYANT VISHWANATH SALUNKE
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Date: 2026.10.16 11:05:20 +0530

Balu Ranu Jadhav & Ors. } Petitioners
Versus
The State of Maharashtra & Ors. } Respondents

Mr. Abhishek T. Ingale, Advocate for Petitioners.

Mr. Rohit Sakhadeo, Advocate for Respondent Nos. 3 & 4 (NMC).

Ms. Neha S. Bhide, Government Pleader with Mr. Ketan Joshi, 'B' Panel Counsel and Mr. S. P. Kamble, AGP for Respondent Nos. 1 & 2 (State).

CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.
DATE : 14th OCTOBER, 2026

P.C.:

1. Heard learned Counsel for the parties.

2. By the instant Writ Petition, the Petitioners seek the following substantive reliefs:-

> *"(i) to hold and declare that the Notification dated 09.01.2017 issued by the Respondent No. 1 sanctioning the Development Plan of Respondent Corporation to the extent and in so far as it reserves the Petitioners land bearing S. No. 197/1A/1/1B/2/1 adm 17900 Sq. mtrs situate at Nashik for Reservation No. 105 Stadium is illegal and void and be quashed and set aside.*
>
> *(ii) to order and direct the Respondent No. 3 to consider the Petitioners proposals for sanctioning of Lay Out and Building Plans in respect of their land S. No. 197/1A/1/1B/2/1 situate at Nashik for residential purpose."*

3. The Petitioners claim to be owners and in possession and cultivation of their ancestral agricultural land bearing S. No.197/1A/1/1B/2/1 admeasuring 17,900 square meters. The instant Writ Petition has been filed seeking quashing of Reservation

accorded in favour of No. 105-Stadium on their land. It is submitted that in the year 1993, a Revised Development Plan of Nashik City was sanctioned and brought into force. About 2,10,000 square meters of land, including the Petitioners' land was reserved for Stadium, under Reservation No. 294. On 23rd May 2015, the Draft Revised Development Plan was published and 1,64,495 square meters land was proposed to be reserved for Stadium under Reservation No. 105. The Petitioners objected to the re-reservation of their ancestral land. However, their objections were rejected. Finally, the revised Development Plan was sanctioned and came into force on 9th January 2017.

4. Learned Counsel for the Petitioner would submit that under the impugned Notification, the land of the Petitioners was to be acquired in Phase-II, i.e. 2019-2021. However, the said land of the Petitioners is not acquired untill date. The learned Counsel for the Petitioners invited our attention to an Order passed by this Court on 14th November 2022 in Writ Petition No. 7448 of 2019 and submitted that vide the said Order, the Court had directed the Respondent-Corporation to deposit the compensation amount with the Collector for acquisition in respect of similar reservation as that in the case of these Petitioners. However, the Respondents in the said matter filed an Interim Application, *inter alia*, stating that the Respondent-Corporation is not in a position to acquire the land for Stadium due to its precarious financial condition. The learned

Counsel for the Petitioners further invited our attention to the Judgment of this Court dated 18th October 2022 passed in Writ Petition No. 6331 of 2008 and submitted that in respect of similar reservation, this Court has declared that the reservation has lapsed. The learned Counsel for the Petitioners would submit that the abutting lands have been released from reservation.

5. Learned Counsel for the Petitioner would submit that since in the similar facts and circumstances, the abutting lands have been de-reserved by the Competent Authority of the Respondent-Corporation, therefore, leave may be granted to the Petitioners to make a detailed Application/Representation to the Competent Authority of the Respondent-Corporation and the Competent Authority of the Respondent-Corporation may be directed to consider and decide the same within a time bound manner.

6. Mr. Rohit Sakhadeo, learned Counsel appearing on behalf of the Respondent-Corporation did raise a preliminary objection *qua* the maintainability of the Writ Petition on the ground of delay and laches. However, he would further submit that in case the Petitioners are insisting on considering their Application/ Representation to be decided by the Respondent-Corporation in accordance with law, before the concerned/Competent Authority, this Court may pass appropriate directions in this regard.

7. Considering the factual situation as emerged before us, what we find is that in similar facts and circumstances, the Competent Authority of the Respondent-Corporation has released the said land from reservation. We find that the grievance of the Petitioners requires to be examined by the Respondent-Corporation. In our view, interest of justice would be served if the Petitioners prefer an Application/Representation to the concerned/Competent Authority of the Respondent-Corporation within a period of two weeks from the date of uploading of this Order. We expect the Respondent-Corporation to consider and decide such Application/ Representation within a further period of three months, on its own merits and as the law would mandate.

8. It is made clear that we have not adverted to the merits of the rival contentions including the Petitioners' challenge to the Impugned Notification dated 9th January 2017 and all contentions of the parties are expressly kept open.

9. With the aforesaid direction, the Writ Petition is Disposed Of.

[ADVAIT M. SETHNA, J.] **[CHIEF JUSTICE]**