

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5803 OF 2025

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
PAREKAR
Date: 2026.03.24
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1. Natwarlal Nensukh Mutha
Age- 72 Yrs.
Occ. Business
R/o. Pardeshpura Junnar, Tal. Junnar, Dist. Pune.

2. Pooja Ashish Gavhane
Age- 32 Yrs.
Occ. Household
R/o. Salgaon, Tal. Ambethan, Dist. Pune.

3. Purvesh Ashish Gavhane
Age- 5 Yrs.
Occ. Ni.

4. Anvi Ashish Gavhane
Age- 5 Yrs.
Occ. Nil.
(Petitioner Nos. 3 & 4 through guardian mother
Pooja Ashish Gavhane/P2).

5. Anita Anil Gavhane
Age- 59 Yrs.
Occ. Household.
R/o. Salgaon, Tal. Ambegaon, Dist. Pune.

6. Shivelal Panhalal Muthiyan
Age- 72 Yrs.
Occ. Business.
R/o. Chhatrapati Sambhaji Nagar, Junnar.

7. Ravindra Kashinath Pansare
Age- 61 Yrs.
Occ. Business.
R/o. Kale, Post. Tambe, Tal. Junnar, Dist. Pune.

8. Babanrao Shripati Bombale

Age- 94 Yrs.

Occ. Nil.

R/o. Khamgaon, Tal. Junnar, Dist. Pune.

9. Satish Bansilal Pardeshi

Age- 69 Yrs.

Occ. Business.

R/o. Pardespura, Junnar, Tal. Junnar, Dist. Pune.

10. Mahesh Bansilal Pardeshi

(through Sunita Mahesh Pardeshi)

Age- 49 Yrs.

Occ. Household.

R/o. Ralegaon, Post-Aptale, Tal. Junnar, Dist. Pune.

11. Sanjay Murlidhar Valvankar

Age- 62 Yrs.

Occ. Business.

R/o. Sadabazar Peth, Junnar, Tal. Junnar, Dist. Pune.

12. Dhananjay Murlidhar Valvankar

Age- 56 Yrs.

Occ. Business.

R/o. D-201, Sanskruti Building-47,
Handewadi Road, Hadapsar, Pune- 28.

13. Kesharbai Murlidhar Valvankar

Age- 83 Yrs.

Occ. Household.

R/o. Sadabazar Peth, Junnar, Dist. Pune.

14. Shantaram Shankar Ude

Age- 76 Yrs.

Occ. Business.

R/o. Ralegaon, Post. Aaptale,
Tal. Junnar, Dist. Pune.

15. Baban Shankar Unde

Age- 71 Yrs.

Occ. Business.

R/o. B-35, Someshwar Society, R.No.2,
M.G. Complex, Sector-14, Navi Mumbai,
Vashi 400 703.

16. Nivrutti Shankar Unde
(since deceased through LRs)

16A. Sunita Nivrutti Unde
Age- 59 Yrs.
Occ. Household.
R/o. Gaonthan Ralegaon, Aaptale,
Tal. Junnar, Dist. Pune.

16B. Shital Nivrutti Unde
Age- 30 Yrs.
Occ. Education
R/o. Gaonthan Ralegaon, Aaptale,
Tal. Junnar, Dist. Pune.

16C. Ankush Nivrutti Unde
Age- 27 Yrs.
Occ. Business.
R/o. Gaonthan Ralegaon, Aaptale,
Tal. Junnar, Dist. Pune.

17. Anil Shankar Unde
Age- 47 Yrs.
Occ. Business.
R/o. Kiran Building, Near Eyes Hospital,
Narayangaon, Tal. Junnar, Dist. Pune.

18. Savita Ramdas Shinde
Age- 62 Yrs.
Occ. Household.
R/o. Near Sai Mandir, B/13,
Sahakar Sadan Society Sainagar,
Kanjur Village, Bhandup (E),
Mumbai 400 042.

19. Sangeeta Rajendra Sarjine
Age- 54 Yrs.

Occ. Household.

R/o. At-Post Aaldare, Tal. Junnar, Dist. Pune.

20. Geetanjali Arjun Barave

Age- 51 Yrs.

Occ. Household.

R/o. D.P. Wadi Ghodapdev, Mumbai.

21. Sumitra Yashawant Chavan

Age- 76 Yrs.

Occ. Household.

R/o. Surale, Khangaon, Tal. Junnar, Dist. Pune.

22. Yashoda Shankar Unde

Age- 50 Yrs.

Occ. Household.

R/o. Surale, Khangaon, Tal. Junnar, Dist. Pune.

(through POA Satish Pardeshi/ P8).

... Petitioners

Versus

1. The State of Maharashtra

Through Secretary, Urban Development

Department, Mantralaya.

2. Junnar Municipal Council

Through its Chief Officer,

Tal. Junnar, Dist. Pune.

... Respondents

Mr. Sachin Shetye a/w. Jotiram Jadhav, Advocate for the Petitioners

Mr. Tejas Deshmukh a/w. Mr. Ronak Utagikar and Mr. Kshitij Kankaliya,
for Respondent No. 2.

Smt. Neha Bhide a/w. Mr. V.G. Badgujar, AGP for the State.

CORAM : RAVINDRA V. GHUGE &

ABHAY MANTRI, JJ.

DATE : 16th MARCH, 2026

ORDER JUDGMENT (Per Ravindra Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The Petitioners have put forth the prayer clauses (a), (b), (c) and (d), as under:-

(a) This Court may be pleased to issue a writ of mandamus or any other appropriate writ, direction or order thereby holding and declaring that the said land of the Petitioners' being land admeasuring 4437.40 sq.mtrs. out of City Survey No. 5217 situated at within the limits of Junnar Municipal Council which is reserved for Garden, Swimming Tank and Gymnasium as per Revised Development Plan dated 23rd July, 2010 which came into force on 15th September, 2010 vide SiteNo. 59 (EP-16) has lapsed as per provisions of under Section 127 of the Maharashtra Regional and Town Planning Act, 1966.

(b) This Court may be pleased to issue a writ of mandamus or any other appropriate writ, direction or order thereby holding and declaring that the said land is released from the said reservations, allotment or designation and has become available to the Petitioners for the purpose of development.

(c) This Court may be pleased to issue a writ of mandamus or any other appropriate writ, direction or order thereby quashing and setting aside reservation of Garden, Swimming Tank and Gymnasium as per Development Plan dated 23rd July, 2010 which came into force on 15th September, 2010 vide Site No. 59 (EP-16) over the land admeasuring 4437.40 Sq.Mtrs. out of the City Survey No. 5217 within the limits of the Junnar Municipal Council.

(d) This Court may be pleased to issue a writ of mandamus or any other appropriate writ, direction or order directing the Respondent Government to forthwith notify the lapsing of reservation of said land by an order published in the Official Gazette as required under Section 127(2) of the Maharashtra Regional and Town Planning Act, 1966.

3. The Petitioners claim to be the owners of the land admeasuring 4437.40 Sq.Mtrs. from City Survey No. 5217 situated within the limits of Junnar Municipal Council. Respondent No. 2, Junnar Municipal Council published a development plan on 23rd July, 2010 and indicated the land of the Petitioners as being reserved for a Garden, a Swimming Tank and a Gymnasium. It was notified as Reserved Site No. 59 (Excluded Portion – 16). On 19th June, 2014, the Petitioners made an application requesting Respondent No. 2 Municipal Council to remove the reservation. On 30th June, 2014, the General Body of Respondent No. 2 passed a Resolution No. 32, indicating that the swimming tank and gymnasium was already constructed adjacent to the C.S. No. 5217 i.e. the subject land and Jijau Garden in the vicinity of around 100 Mtrs. Hence, the proposal for excluding reservation site No. 59 was sent to State Government- Respondent No. 1 herein.

4. Respondent No.2 published a notice on 23rd February, 2025 in 'Dainik Sakal' as well as, in the Maharashtra official gazette calling for objections and suggestions within one month for deletion of the reservation No. 59. By its letter 5th February, 2016, Respondent No. 2 communicated to Respondent No. 1 seeking modifications in the reservation as per a fresh resolution bearing No. 147 dated 30th November, 2015 that was passed by

the General Body. On 18th March, 2017, the resolution bearing No. 286 was passed approving exclusion of reservation No. 59.

5. On 26th May, 2017, a public notice was published in 'Indian Express' by Respondent No. 2 seeking objections and suggestions on the proposed modification of releasing the land from reservation No. 59. On 2nd January, 2023 the Petitioners served a purchase notice on Respondent No. 2 under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (MRTP) requesting it to purchase the land within a period of 24 months. The issuance of the purchase notice and its receipt by Respondent No. 2 is undisputed. On 21st October, 2024 Respondent No. 2 called upon the Petitioners to remain present on 24th October, 2024 before the Chief Officer, Junnar Municipal Council to consider whether the benefit of the Transferable Development Rights (TDR) could be granted in lieu of compensation. Respondent No. 2 made it clear to the Petitioners on 24th October, 2024 that it cannot pay compensation due to a financial crunch and can offer TDR. The Petitioners have refused to accept the TDR.

6. It is undisputed that the purchase notice has been served and there is no objection as regards the contents of the notice by Respondent No. 2. It is also an admitted position that after the purchase notice dated 2nd

January, 2023, the Council could not initiate any steps towards acquisition within 24 months, as is understood by the law laid down by the Hon'ble Supreme Court in **Girnar Traders vs. State of Maharashtra**¹. So also a judgment of the Full Bench of this Court in the case of **Shree Vinayak Builders vs. State**² concludes that the owner of the land can refuse to accept TDR in lieu of compensation and his insistence on receiving compensation is not fatal to his purchase notice.

7. In view of the above, **this Petition is allowed.**

8. We direct Respondent No. 2 to issue a notification within a period of 15 days, addressed to Respondent No. 1, declaring that reservation on site No. 59 has lapsed. The Government shall issue a notification declaring lapsing of reservation and releasing of the land within a period of 45 days from the date of receipt of the communication from the Municipal Council.

9. Rule is made absolute in the above terms.

(ABHAY MANTRI, J.)

(RAVINDRA V. GHUGE, J.)

1 2007 (7) SCC 555.

2 (2022) 4 Mah.L.J. 739.