



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 69 OF 2025

PETITIONER : Johnny S/o. Venkateshwarrao Chalsani,
Aged about 58 Years, Occ. :
Agriculturist, R/o. Ward No.5, Shivaji
Nagar, Mouda, District Nagpur -
441104.

//VERSUS//

RESPONDENTS : 1. State of Maharashtra, through its
Secretary, Urban Development
Department, Mantralaya, Mumbai-32.

2. Nagpur Metropolitan Regional
Development Authority, through its
Commissioner, Station Road, Sadar,
Nagpur - 440001.

Mr. Madhur A. Deo, Advocate for the Petitioner.
Mr. D.P. Thakare, Addl. G.P. for Respondent No.1/State.
Mr. G.A. Kunte, Advocate for Respondent No.2.

CORAM : ANIL S. KILOR AND
RAJ D. WAKODE, JJ.

DATE : 13th FEBRUARY, 2026.

ORAL JUDGMENT (PER : RAJ D. WAKODE, J.)

Heard Mr. Madhur A. Deo, learned counsel for the
petitioner, Mr. D.P. Thakare, learned Additional Government Pleader
for respondent No.1/State, and Mr. G.A. Kunte, learned counsel for
respondent No.2.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the parties.

3. The Petitioner has approached this Court seeking a declaration that the Reservation No. “South-A-PG007 (Playground)” in respect of the land admeasuring 0.80 R out of the total land admeasuring 1.34 HR from Survey No. 66/3, Mouza Wagdara (Gumgaon), Patwari Halka No. 48, Tahsil Hingna, District Nagpur (hereinafter referred to as “the aforesaid land”) has lapsed under Section 49(7) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the aforesaid Act” for the sake of brevity).

4. The brief facts leading to the filing of the present petition are as follows:

The petitioner is the owner of the land bearing Survey No. 66/3, Mouza Wagdara (Gumgaon), Patwari Halka No. 48, Tahsil Hingna, District Nagpur, admeasuring 1.34 HR. Respondent No. 2 is a Special Planning Authority appointed by respondent No. 1 – Government of Maharashtra for the Nagpur Metropolitan Area *vide* Notification dated 31st August, 2010. Respondent No. 2 published the Development Plan for the Nagpur Metropolitan Region, wherein 0.80 R land out of the aforesaid land admeasuring 1.34 HR has been reserved for playground *vide* Reservation No. “South-A-PG007”.

5. Since the aforesaid land was reserved for playground and the petitioner was interested in developing the said land, the petitioner issued a notice to the authorities in terms of Section 49 of the aforesaid Act for purchase of the aforesaid land. Respondent No. 1, *vide* order dated 23rd August, 2023, confirmed the aforesaid purchase notice and directed respondent No. 2 to take necessary steps for purchase of the aforesaid land. The order dated 23rd August, 2023 passed by respondent No. 1 confirming the purchase notice is placed on record at page No. 16 (Annexure-B).

6. In view of the confirmation of the aforesaid purchase notice and in exercise of its statutory obligation to take necessary steps for purchase of the aforesaid land as contemplated under Section 49(7) of the aforesaid Act, respondent No. 2 issued communications dated 4th March, 2024 to respondent No. 1 requesting sanction of a sum of Rs. 3.25 Crores for purchase of the aforesaid land and again on 14th August, 2024 reminding respondent No. 1 to sanction the said amount for acquisition of the land under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the Act of 2013” for the sake of brevity). The aforesaid communications dated 4th March, 2024 and 14th August, 2024 are placed on record at page No. 20 (Annexure-C) and page No. 22 (Annexure-D) respectively.

7. Mr. Madhur A. Deo, learned counsel for the petitioner, submits that though such communications were issued, respondent No. 2 has not taken any steps for acquiring the land in terms of the provisions of Section 49 read with Sections 126 and 127 of the aforesaid Act within the stipulated period of one year from the date of confirmation of the purchase notice, and hence the aforesaid land is deemed to have been released from the reservation.

8. Mr. G.A. Kunte, learned counsel appearing for respondent No. 2, has tendered across the bar a Notification dated 17th November, 2025 issued by the Collector, Nagpur under Section 126(4) of the aforesaid Act read with Section 19(1) of the Act of 2013. The same is taken on record and marked 'X' for the purpose of identification.

9. On the basis of the said notification, Mr. Kunte, learned counsel for respondent No. 2, submits that the respondents have taken steps for acquisition of the aforesaid land and accordingly the notification under the aforesaid provisions has been issued on 17th November, 2025. In view of the said notification and the steps taken by the Planning Authority, there is no merit in the present writ petition and the same deserves to be dismissed.

10. We have heard the learned counsel for the parties and perused the record and proceedings.

11. Perusal of the record reveals that the purchase notice issued by the petitioner on 23rd February, 2023 under the provisions of Section 49(1) of the aforesaid Act was confirmed by respondent No. 1 under Section 49(4) of the aforesaid Act. Once such notice was confirmed under Section 49(4) of the aforesaid Act, respondent No. 2 was required to take steps as contemplated under Section 49(7) of the aforesaid Act for acquisition of the aforesaid land within a period of one year from the date of confirmation of the notice, i.e. 23rd August, 2023.

12. Though respondent No. 2 has issued a notification under Section 126(4) of the aforesaid Act read with Section 19(1) of the Act of 2013, the said notification was issued on 17th November, 2025, i.e. after the lapse of one year from 23rd August, 2023. Thus, on 23rd August, 2024, the reservation of the aforesaid land stood lapsed.

13. Mr. Madhur A. Deo, learned counsel for the petitioner, has relied upon the judgment of this Court in the case of ***Rafiq Ahmed Saeed Qureshi, through POA Saeed Ahmed Abdul Hamid Qureshi Vs. Malegaon Municipal Corporation and Ors. (2022 SCC OnLine Bom. 3159)***, wherein this Court in paragraph 24 has held thus:

“24. This court has delivered a judgment today, in writ petition No. 2450 of 2016 in the case of Trilok Singh Pahlajsingh Rajpal v. Municipal Corporation for Greater Mumbai² and has dealt with similar facts. This Court after adverting to the judgments of the Supreme court in the case of Girnar Traders v. State of

Maharashtra³, Shrirampur Municipal Council, Shrirampur v. Satyabhamabai Bhimaji Dawkher⁴, Bhavnagar University v. Palitana Sugar Mills Private Limited⁵, Godrej and Boyce Manufacturing Co. Ltd. v. State of Maharashtra⁶ and various others judgments held that if notification under Section 6 of the Land Acquisition Act is not published within the time prescribed as the statutory period, the reservation stood lapsed. This court held that since no steps were taken by the authority, reservation of the said land lapsed, subsequent acts were taken by the authority after lapsing of reservation. It is held that unless notification under Section 6 of the Land Acquisition Act was issued, the other steps alleged to have been taken by the respondents would not amount to taking steps so as to prevent the lapsing of the reservation. The principles laid down by this Court in the case of Trilok Singh Pahlajsingh Rajpal (supra) apply to the facts of this case. We are bound by these judgments.”

14. Thus, in view of the aforesaid facts, though the notification has been issued on 17th November, 2025, in our considered opinion no steps were taken by respondent No. 2 within the stipulated period of one year from the date of confirmation of the purchase notice. Hence, the reservation of the aforesaid land stood lapsed, as the act of publication of the notification dated 17th November, 2025 is subsequent to the lapsing of the reservation.

15. In view of the above, we have no option but to allow the present writ petition. Consequently, the petition is allowed in the following terms:

(i) It is hereby declared that Reservation No. “South-A-PG007 (Playground)” in respect of the land admeasuring 0.80 R out of the total land admeasuring 1.34 HR from Survey No. 66/3, Mouza Wagdara

(Gumgaon), Patwari Halka No. 48, Tahsil Hingna, District Nagpur, stands lapsed.

(ii) The concerned respondent shall issue the necessary notification as expeditiously as possible and, in any case, within a period of **ten weeks** from the date of receipt of this order.

16. Rule is made absolute in the above terms. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Vijaykumar