



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 2895 OF 2024

- PETITIONERS :** 1. Pawan s/o Shriram Poddar,
Aged about 69 Yrs, Occu – Business,
2. Sou. Pushpa Shriram Poddar,
Aged about 61 years,
Occu : Household work.

Both R/o. Poddar Nagar, Sewagram
Road, Wardha, Tq. & Distt. Wardha.

V E R S U S

- RESPONDENTS:** 1. State of Maharashtra,
Through Principal Secretary,
Ministry of Urban Development,
Government of Maharashtra,
Mantralaya, Mumbai – 32.
2. District Collector Wardha,
Tq. & District Wardha.
3. Deputy Chief Executive Officer,
(Gram Panchayat), Zilla Parishad,
Wardha, Tq. & Distt. Wardha.
4. Assistant Director,
Town Planning, District Sports
Centre, Dr. Ambedkar Chowk,
Civil Lines, Wardha.

Shri Sandeep Naresh Singh, Advocate for petitioners.
Shri A. V. Palshikar, AGP for respondent Nos.1, 2 and 4.
Shri Naresh M. Kolhe, Advocate for respondent No.3.

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

DATED : 27/03/2026

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

1. Heard Shri Sandeep Naresh Singh, learned counsel for the petitioners, Shri A. V. Palshikar, learned AGP on behalf of respondent Nos.1, 2 and 4 – State and Shri Naresh Kolhe, learned counsel for respondent No.3 – Zilla Parishad, Wardha.

2. **Rule.** Rule is made returnable forthwith.

3. The petitioners have approached this Court seeking declaration that the reservation of their agricultural land as provided under the Final Development Plan of Sewagram Town stands lapsed under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the aforesaid Act” for the sake of brevity).

The brief facts leading to the filing of the petition are as follows :-

4. The petitioners are the owners of land bearing Survey No.12/2 area 0.81 HR of land Mouza Sewagram, Tq. and Dist. Wardha (hereinafter referred to as “the aforesaid land” for the sake of brevity).

5. The petitioners have purchased the aforesaid land by way of a registered sale deed dated 21/09/2021 from Shri Nitin Mahadeorao Dhepe, Satish Navghare and Sanjay Navghare for valuable consideration. The registered sale deed dated 21/09/2021 has been placed on record by the petitioners as Annexure-A. On the basis of the aforesaid sale deed, the names of the present petitioners were duly recorded in the 7/12 extract of the aforesaid land by mutation entry dated 25/11/2021, a copy of which is placed on record by the petitioners as Annexure-B.

6. The development plan of Sewagram town was finalized vide notification No.VYO. (Sewagram) (B.N.P.)/T.P.V-6/7691 dated 09.12.1989 which came into effect from 15.07.1990. In the aforesaid Final Development Plan, the land of the petitioners was reserved for Market vide Reservation No.14 and for 30 meter wide road.

7. Since the date on which the development plan on aforesaid land came into force i.e. 15/07/1990, the 32 years had gone, however, Town Planning Authorities under the aforesaid Act, Act had not taken any steps for the implementation of reservation shown in notification no.VYO.(Sewagram) (B.N.P.)/ T.P.V-6/7691 dated 09.12.1989 which came into effect from 15.07.1990.

8. In view of the above, the petitioners who were interested in developing the aforesaid land issued a notice under Section 127 of the aforesaid Act on 31/01/2022 to the present respondents. The postal acknowledgment on record reveals that the aforesaid notice was received by the respondent No.3 on 04/02/2022. The respondent No.3 even otherwise has not disputed the receipt of the aforesaid notice. The only contention is that the aforesaid purchase notice was not accompanied by a measurement map which was duly asked by the respondent No.3 vide communication dated 19/04/2022. Since even after passage of 24 months from the service of the aforesaid purchase notice on 04/02/2022, the respondents did not take any steps for acquisition of the aforesaid land, the petitioners have approached this Court.

9. Upon receipt of notice of this Court, the respondent No.3 – Appropriate Authority has filed its reply on 15/10/2024. In the aforesaid reply, the respondent No.3 has neither disputed the title of the petitioners nor the receipt of the purchase notice and have not disputed the reservation of the aforesaid land for Market and 30 meter wide road. The main thrust of the opposition of the respondent No.3 is that the petitioners have not included the documents, such as measurement map along with the purchase

notice and as such, the aforesaid notice is defective and cannot be relied upon by the petitioners. The aforesaid issue is no more *res integra* in view of Judgment of this Court in the case of **Yakub Salebhai Contractor and others Vrs. State of Maharashtra and others**, reported in **MANU/MH/1484/2026**, which has dealt with the aforesaid issue regarding the documents to be included along with purchase notice and its effect in following Paragraphs :-

“17. The planning authority, Respondent No. 3, has only raised the grievance that a purchase notice was defective the absence of documents demonstrating title or interest in the land or the notice did not contain a detailed description of the property, nor did it produce the measurement sheet of the land in question to indicate the extent of the land affected by the DP reservation. According to us, the submission the documents showing title or interest in the land, along with the Purchase Notice to the concerned Authority as per section 127(1), is intended to facilitate clear transfer of title from the owner or the person interested in the land upon payment of the consideration to the claimant within the stipulated period of 24 months.

18. In our view, after the expiry of the stipulated period of twenty-four months under Section 127 (1) upon service of a purchase notice, if the land is not acquired, or no steps as contemplated under the said Section are commenced for its acquisition, thereupon, the land is deemed to be released from such reservation, allotment or designation; in such circumstances, the concerned Authority cannot raise a defence that the purchase notice was defective, as it was not accompanied by the documents showing title or interest in the said land.

19. In other words, the concerned Authority cannot raise a defence of a defective purchase notice for want of a document showing title or interest in the said land, when it has failed to

take steps to acquire the land within the stipulated period as contemplated by the provisions of the MRTP Act. Such documents are not required for the release of the property from reservation, allotment, or designation, when the land is not acquired, or no steps are commenced for its acquisition, reservation, or allotment, as provided in the MRTP Act, on account of the lapsing of the reservation.

20. Besides, upon perusal of the purchase notice under Section 127 of the MRTP Act, it is evident from Paragraphs 2 and 5 of the notice that the Petitioners have categorically provided a detailed description of the land in question. Furthermore, the Petitioners have referred to the 1978 DP reservation plan. Apart from the above, it is to be noted that the Respondent No. 3 - Council by communication dated 25.11.2021 (page 100) admitted the receipt of the Purchase Notice dated 02.08.2021 on the same date. By the said communication, the Respondent No. 3- Council informed the Petitioners regarding the implementation of the revised DP plan of 2005-2006 and asked them to produce the documents accordingly. The said facts themselves indicate that the Respondent No. 3 does not dispute the receipt of notice even after ten years of implementation of the revised DP plan of 2005-06. Consequently, we find no merit in the objection/grievance raised by the learned Advocate for Respondent No. 3, who contended that the petitioners failed to provide the details of the land, or that the Purchase Notice did not disclose for which reservation number the petitioners had issued the purchase notice.

21. Thus, it emerges that Respondent No. 3, having failed to take any steps to acquire the property within the period prescribed under Section 127 of the MRTP Act, the documents as sought by it are not required for the release of the land from reservation, allotment, or designation.”

10. Thus, we completely agree with the aforesaid view in holding that the documents, as such measurement map is not a

mandatory document to be included along with purchase notice and its non-inclusion at the time of issuing notice does not vitiate the same. Even otherwise Section 127(1) of the aforesaid Act specifically provides that the notice under Section 127(1) shall be accompanied with the documents showing title or interest in the land. The perusal of the purchase notice dated 31/01/2022 issued by the present petitioners reveals that the petitioners had included the sale deed and the 7/12 extract in order to substantiate their title towards the aforesaid land. In view of the above, the ground raised by the respondent No.3 is completely unsustainable in the eyes of law and is rejected.

11. The respondent No.3 in Para No.7 of their reply had pointed out the administrative difficulties and shortage of funds as another reason for failure to acquire the aforesaid land, which reads thus :-

“7. It is further submitted that, the Zilla Parishad, Wardha, has received the said proposal under the Sevagram Development Plan, and being the Development Authority, General Body of the Zilla Parishad, Wardha, has been authorised to develop the said land. But since 21st, March, 2022, the tenure of the Members of the Zilla Parishad has expired and an Administrator has been appointed. The above subject is important in terms of strategic and local development. Further, large funds are required for it and therefore because of the perception that people's representatives are expected to take decisions about local

development, a decision could not be taken regarding the subject. Guidance has been sought from Respondent No. 1 in this regard.”

12. It is an admitted position on record that the aforesaid land was reserved for the purpose of market vide Reservation No.14 and for 30 meter wide road in the Final Development Plan which came into effect on 15/07/1990. That the stipulated period of 10 years as provided in Section 127 of the aforesaid Act lapsed on 14/07/2000 that the purchase notice under Section 127 was issued by the petitioners on 31/01/2022, which was duly received by the respondent No.3 on 04/02/2022. That the statutory period of 24 months as provided under Section 127(1) of the aforesaid Act from the date of service of such notice expired on 04/02/2024. The statutory period of 24 months expired and no declaration under sub-Section (2) or (4) of Section 126 is published in the Official Gazette within the statutory period. Section 126(2) of the aforesaid Act clearly provides that if the State Government is satisfied that the land specified is needed for the public purpose, it may make a declaration to that effect in the official gazette in the manner provided in Section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of the said land. Admittedly, no such declaration have been made by the

respondent within the statutory period of twenty four months from the date of service of notice and thus the provisions of Section 127 of the aforesaid Act would come into play and the reservation of the aforesaid land should lapse. In the light of the principles underlining under Section 127 of the aforesaid Act, the reservation shall be deemed to have lapsed if no steps are taken for acquisition of the aforesaid land within the prescribed period. Admittedly, in the present case the respondents have not taken any steps to issue notification after receipt of the notice. Thus, the second objection raised by the present respondent No.2 is also unsustainable in the eyes of law and deserves to be rejected by this Court.

13. In the light of the above discussion and well settled legal position, we find that the reservation for the aforesaid land has lapsed under Section 127 sub-Section (2) of the aforesaid Act on expiry of twenty four months from 12.10.2021. Hence, the petitioners are entitled for the relief of direction to permit him to develop the land as prayed for by them which was subjected for reservation. In that view of the matter, we proceed to pass following order:

ORDER

[i] The writ petition is allowed.

[ii] It is declared that reservation No.13 of land bearing Survey No.12/2 area 0.81 HR of land Mouza Sewagram, Tq. and Dist. Wardha for Market and 30 meter wide road has lapsed under Section 127 of MRTP Act, 1966.

[iii] The respondents shall within a period of eight weeks from the receipt of the copy of this judgment publish in the Official Gazette the notification of the lapsing of reservation under Section 127 sub-Section (2) of the aforesaid Act and declare that the reservation No.13 of land bearing Survey No.12/2 area 0.81 HR of land Mouza Sewagram, Tq. and Dist. Wardha for Market and 30 meter wide road has lapsed under Section 127 of MRTP Act, 1966.

[iv] The petitioners are free to develop aforesaid land owned by them in the manner permissible to adjacent land as per the development plan.

14. Rule is made absolute in the aforesaid terms. No order as to costs.

[JUDGE]

[JUDGE]