



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

WRIT PETITION NO. 3944 OF 2024

Sau Kshama Anil Pitade,
Age : 65 years, Occ:- household
R/o Shendurjanaghat Tq. Warud,
Dist. Amravati

.... Petitioner.

vs.

1. State of Maharashtra,
Thr. The Director of Town Planning,
State of Maharashtra, Central Building, Pune

2. Assistant Director of Town Planning,
Tatte Building, Behind Labor Court,
Camp, Amravati 444602

3. The Municipal Council (M.C.)/Nagar Parishad
Shendurjanaghat, through its Chief Officer,
Shendurjanaghat, Tq. Warud Dist. Amravati

.... Respondents

Shri G. K. Mundhada, Advocate for petitioner.

Shri J. Y. Ghurde, Assistant Government Pleader for respondent Nos.1 and 2/State.

Ms Manju Ghatode, Advocate for respondent No.3.

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

DATE : 10th March, 2026.

ORAL JUDGMENT : (Per : Raj D. Wakode, J.)

Heard Shri G. K. Mundhada, learned counsel for the
petitioners, Shri J. Y. Ghurde, , learned Assistant Government Pleader
for respondent Nos.1 and 2/State, and Ms Manju Ghatode, learned
counsel for respondent No.3.

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

3. The present petitioner has approached this Court seeking a declaration that the reservation of her land, bearing Survey No.323 total area admeasuring 1H.36R (hereinafter, the aforesaid land) of village Shendurjanaghat Tq. Warud District Amravati, under development plan has lapsed under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act” for the sake of brevity). The petitioner has also prayed for consequential reliefs.

4. The facts leading to the present writ petition are as follows:

 The petitioner is the owner of aforesaid land which is situated within the Municipal limits of Nagar Parishad, Shendurjanaghat District Amravati. The Final Development Plan of the village Shendurjanaghat was sanctioned and published in official gazette by the State Government and came into force on 15/10/2011. In view of Final Development Plan of Shendurjanaghat, the aforesaid land was reserved for the purpose of Garden vide reservation No.25.

5. The aforesaid reservation of the land owned by the petitioner Smt Kshama Anil Pitade continued however, there was no acquisition

even after ten years of reservation which is lapsed on 15/10/2021. As the petitioner was interested in developing the aforesaid land, she issued purchase notice under Section 127 of the aforesaid Act to the respondent No.3 on 13/01/2022. Notice was personally served along with relevant documents including 7/12 extract, 8A extract, part plan and measurement sheet. By virtue of the aforesaid purchase notice, the petitioner called upon respondent No.3 to acquire the aforesaid land within statutory period of twenty four months from the date of notice. Copy of aforesaid notice dated 13/01/2022 is at record page 13 (Annexure-A) and shows the acknowledgment of respondent No.3 dated 13/01/2022 which is not disputed by respondent No.3.

6. As the purchase notice was duly served upon respondent No.3 on 13/01/2022, the statutory period of twenty four months as provided under Section 127 of the aforesaid Act lapsed on 12/01/2024. The fact remains that within the period of twenty four months, no steps for acquisition were taken by respondent No. 3 after receipt of the purchase notice on 13/01/2022. Further, no declaration under Section 126(2) or Section 126(4) of the aforesaid Act was published within a period of twenty-four months from the date of service of the purchase notice.

7. Shri Mundhada, learned counsel for the petitioner submitted that in view of lapse of statutory period and failure of the respondents to take steps under Section 127 of the aforesaid Act, the petitioner is

entitled to release of the land from reservation.

8. Per contra, Ms Manju Ghatode, learned counsel appearing for respondent No. 3, invited our attention to the reply filed by respondent No.3 on 23/09/2025. Perusal of reply reveals that respondent No.3 has not disputed the ownership of the petitioner in respect of aforesaid land nor has disputed the receipt of purchase notice issued by the petitioner.

9. Ms Ghatode, learned counsel has invited our attention to paragraph 4 of the reply filed on behalf of respondent No.3 which reads thus :

“ 4. Regarding the service of notice dated 13/01/2022 under the provision of Section 127 of the said petitioner to the answering respondent no.3 has not taken the action after receipt of the notice dated 13/01/2022 within a period of two year, due to the financial position of the answering respondent no.3 is very weak, therefore the respondent no.3 has not taken any action for the purpose of reservation of the garden vide Reservation No.25, the land owned by the petitioner, therefore, the petitioner is free to develop the land owned by him in the manner permissible to adjacent land as per the development plan. ”

10. Thus, the respondent No.3 in its reply has specifically admitted the receipt of notice dated 13/01/2022 and has further admitted that as the financial condition of respondent No.3 is very weak, it has not taken any action for acquiring the aforesaid land of the petitioner for the purpose of reservation of Garden vide Reservation No.25.

Respondent No.3 has however, given no objection as regards lapsing of reservation and has further granted permission to the petitioner to develop the land owned by her in the manner permissible to adjacent land as per the development plan.

11. From the dates mentioned below, it is crystal clear that the statutory period contemplated under Section 127 of the aforesaid Act has lapsed. The receipt of the purchase notice is also not in dispute. The relevant dates and events are as follows:

Sr.No.	Date	Particulars
1.	15/10/2011	Final Development Plan for Shendurjanaghat was sanctioned and came into force wherein the petitioner's land was reserved for Garden under Reservation No.25. Even after the passage of ten years from the date on which the Final Development Plan came into force, the petitioner's land reserved for Garden was not acquired by agreement.
2.	13/01/2022	The petitioner issued a purchase notice under Section 127 of the aforesaid Act.
3.	13/01/2022	Respondent No.3 – Municipal Council, Shendurjanaghat received purchase notice under Section 127 of the aforesaid Act.
4.	13/01/2022 to 12/01/2024	Even after the passage of twenty-four months from the date of service of the purchase notice under Section 127 of the aforesaid Act, the petitioner's land was neither acquired nor was any declaration under sub-section (2) or sub-section (4) of Section 126 published in the Official Gazette by the

		respondent authorities.
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12. As the period of ten years has lapsed from the date of publication of the Final Development Plan and no steps for acquisition of the land have been taken, and further as no steps were taken by respondent No. 2 within a period of twenty-four months from the date of service of the purchase notice under Section 127 of the aforesaid Act, 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.25 for Garden in respect of the land bearing Survey No.323 admeasuring 1H 36 R of village Shendurjanaghat Tq. Warud, Dist. Amravati owned by the petitioner stands lapsed under Section 127 of the Maharashtra Regional and Town Planning Act, 1966.
 - (ii) The concerned respondent shall issue necessary notification under Section 127(2) of the aforesaid Act as expeditiously as possible and, in any case, within a period of ten weeks from the date of receipt of this order.
 - (iii) The petitioner is free to develop the aforesaid land owned by her in the manner permissible to adjacent land as per the development plan.
13. Rule is made absolute in the above terms. No order as to costs.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)