



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

WRIT PETITION NO.2084 OF 2025

PETITIONER : **Smt. Vibha W/o. Rajesh Thakur,**
Aged : Major, Occupation : Business, R/o.
Swastik Nagar, Mul Road, Chandrapur.

..VERSUS..

RESPONDENTS : 1 **State of Maharashtra** through the Additional
Chief Secretary, Maharashtra Forest
Department, Mantralaya, Mumbai.

2 **Maharashtra Housing and Area Development
Authority (MHADA)**, through Chief Officer,
Civil Lines, Nagpur.

3 **The Collector of Chandrapur,**
Collector Office, Chandrapur.

4 **The Social Forestry and Forest Department,**
through Deputy Conservator of Forest, Mul
Road, Chandrapur.

Shri. Yash A. Kullarwar, Advocate for Petitioner.
Shri. J. Y. Ghurde, AGP for Respondent Nos.1, 3 and 4.
Shri. Bhushan N. Mohta, Advocate for Respondent No.2.

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

DATE : **30th MARCH, 2026.**

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

1. Heard Shri. Yash A. Kullarwar, learned counsel for petitioner, Shri. J. Y. Ghurde, learned Assistant Government Pleader for respondent Nos.1, 3 and 4 and Shri. Bhushan N. Mohta, learned counsel for respondent No.2 – Maharashtra Housing and Area Development Authority (MHADA).

2. **Rule.** Rule made returnable forthwith. The present writ petition is heard finally with the consent of the learned counsels appearing for the respective parties.

3. The petitioner has approached this Court seeking a declaration as to the lapsing of reservation upon her land in consequence of the failure on the part of the respondents in acquiring the land within the stipulated period as contemplated under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as, “the aforesaid Act”, for the sake of brevity).

4. Brief facts, leading to filing of the present writ petition, are as follows :

4.1. The petitioner is the owner of all that part and parcel of land bearing Khasra No.12, situated at Mouza Kosara, Tahsil and District Chandrapur, Maharashtra, admeasuring about 0.84 H.R. (hereinafter referred to as, “the aforesaid land”, for the sake of brevity). The New Development Plan of Chandrapur City came into force in the year 1998 when the Draft Development Plan was sanctioned *vide* Government Notification No.TPS-2284-471-CUD-9, dated 30.06.1998. The aforesaid land of the petitioner,

being agricultural land, is shown as reserved for 'Social Forestry'. The petitioner had issued a notice dated 20.07.2022 to Respondent No.2 under Section 127 of the aforesaid Act, and a copy of the same was also forwarded to respondent No.1. It is pertinent to note that the petitioner had also supplied the documents alongwith the said notice. The aforesaid purchase notice is at record page No.21 (Annexure – III). The aforesaid purchase notice reveals that it was served upon respondent No.2 on 20.07.2022.

4.2. Respondent No.2, after receipt of the notice dated 20.07.2022, issued a communication dated 12.08.2022 to respondent No.3, informing it about the aforesaid notice issued by the petitioner. Further, the respondent No.2 requested respondent No.3 to act upon the reservation and to complete the process of acquiring the aforesaid land. However, the respondents have failed to acquire the aforesaid land, within the stipulated period of 24 months from the service of the purchase notice and accordingly, the reservation has lapsed. Hence, by the present writ petition, the petitioner is seeking such declaration.

5. Upon notice issued by this Court, the respondent No.2 has appeared and filed its reply on 27.02.2026. Respondent No.2 contended that the Maharashtra Housing and Area

Development Authority was appointed as the Special Planning Authority for New Chandrapur in respect of the notified area under Section 40(1)(aa) of the aforesaid Act, vide Government Notification dated 29.12.1988 issued by the Urban Development Department bearing Notification No.TPS-2248/1823/CR-105/UD-9. The said notification was published in the Maharashtra Government Gazette, Part I-A, Nagpur Division Supplement on 08.04.1993. The respondent No.2 submits that it has repeatedly requested the respondent No.4 to acquire the aforesaid land for social forestry purpose as reserved in the development plan. However, respondent Nos.3 and 4 have failed to complete the process of acquisition and the respondent No.2 has not received any communication towards acquisition of the aforesaid land. In-fact, the respondent No.2, *vide* communication dated 18.09.2024, has issued no objection, if the aforesaid land is released from the reservation. Such communication dated 18.09.2024 issued at the behest of respondent No.2 giving no objection for lapsing of reservation of the aforesaid land is at record page No.53 (Annexure – R- V).

6. Shri. J. Y. Ghurde, learned Assistant Government Pleader appearing for respondent Nos.1, 3 and 4, has tendered

across the bar a communication dated 05.03.2026, which is taken on record and is marked as Exhibit – “X” for the purpose of identification.

7. A perusal of the aforesaid communication dated 05.03.2026, issued by the Divisional Forest Officer, Social Forestry, Chandrapur, reveals that the aforesaid land, which is reserved for social forestry, is not required for acquisition and thus, has given no objection for lapsing of reservation of the aforesaid land. In view of the above and for the reasons stated, we have no option but to allow the present writ petition and declare that the reservation of the aforesaid land for social forestry in the development plan of Chandrapur City stands lapsed. Accordingly, we pass the following order :

ORDER

- i) The writ petition is allowed.
- ii) It is declared that the reservation over All that part and parcel of land bearing Khasra No.12, situated at Mouza Kosara, Tahsil and District Chandrapur, Maharashtra, admeasuring about 0.84 H.R belonging to the petitioner has lapsed under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 and

the petitioner is free to develop the aforesaid land in the manner permissible to the adjacent land as per Development Plan.

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 of over All that part and parcel of land bearing Khasra No.12, situated at Mouza Kosara, Tahsil and District Chandrapur, Maharashtra, admeasuring about 0.84 H.R, has lapsed.

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

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)