



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

WRIT PETITION NO.3729 OF 2025

- PETITIONERS** : 1 **Gopal Narayandasji Panpalia,**
Age: 62 years, R/o Balaji plot, Rajapeth, In
front of RSS Office, Amravati.
- 2 **Sunil Ajabrao Khanzode,**
Age: 51 years, R/o Gajendra Vihar, Finile
Mill, Achalpur, Dist. Amravati.
- 3 **Pooja Shatikumar Sarda,**
Age: 48 years, Krishnakunj, Pannalal Nagar,
Ukli, H V Nagar, Amravati.

..VERSUS..

- RESPONDENTS** : 1 **The State of Maharashtra** through the
Secretary Urban Development Department,
Mantralaya, Mumbai.
- 2 **The Municipal Corporation of City of
Amravati,** Through its Commissioner,
Amravati Municipal Corporation, Rajkamal
Chowk, Amravati.
- 3 **The Assistant Director of Town Planning,**
Municipal Corporation, Amravati Off:
Municipal Corporation, Rajkamal Chowk,
Amravati.

Shri. G. K. Mundhada, Advocate for Petitioners.
Shri. A. V. Palshikar, AGP for Respondent No.1/State.
Shri. R. D. Dharmadhikari, Advocate for Respondent Nos.2 and 3.

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

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

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

1. Heard Shri. G. K. Mundhada, learned counsel for the
petitioners, Shri. A. V. Palshikar, learned Assistant Government

Pleader for respondent No.1/State and Shri. R. D. Dharmadhikari, learned counsel for respondent Nos.2 and 3.

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 petitioners have approached this Court seeking a declaration that the reservation of the land owned by the petitioners in the final development plan stands lapsed from the reservation under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as, “the MRTP Act”, for the sake of brevity).

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

4.1. The present petitioners are the joint owners and persons interested in Survey No.173/1/A, admeasuring a total area of 1.21 H.R., situated at village Rahatgaon, Taluka and District Amravati. The First Final Development Plan of the city of Amravati was sanctioned by the State Government under sub-section (6) of

Section 31 of the MRTP Act, *vide* Notification No. TPS-2810/1180/CR-90/92/UD-13, published on 04.12.1992, and it came into force on 25.02.1993. The said land, owned and possessed by the petitioners, is reserved for a Primary School *vide* Reservation No.103 by the respondents. Though, the land has been reserved for the above said purpose by the respondents, no steps for its acquisition have been taken by the respondents till date.

4.2. The revision of the First Final Development Plan of Amravati city, which was sanctioned under sub-section (6) of Section 31 of the MRTP Act, became due after 20 years in terms of Section 38 read with Section 26 of the MRTP Act. Accordingly, a notification for the Second Revised Draft Development Plan of Amravati city was presented to receive assent from the General Body on 28.11.2018. Thereafter, the Second Revised Draft Development Plan, under Section 26 read with Section 38 of the MRTP Act, was published in the Official Gazette of the Government of Maharashtra for suggestion and objection on 06.12.2018. In the Second Revised Draft Development Plan, the said property owned by the petitioners, which is the subject matter of the present petition, is again proposed to be reserved for the purpose of a vegetable market, *vide* Reservation No.13.

4.3. Though, the aforesaid land owned by the petitioners was reserved for a Primary School *vide* Reservation No.103, in the First Final Development Plan, which came into force on 25.02.1993, respondent Nos.2 and 3 did nothing in the matter for acquisition of the aforesaid land. The petitioners, being interested in developing the aforesaid land, issued a purchase notice under Section 127 of the MRTP Act to the respondents on 19.06.2023, which is on record at page No.19 (Annexure – B).

5. A perusal of the aforesaid notice reveals that the petitioners have included the documents showing their title, i.e. 7/12 extract, the part plan and the chart prepared by the Planning Authority under Section 6 of the MRTP Act. The aforesaid purchase notice was served upon respondent Nos.2 and 3 on 21.06.2023, which is substantiated by the acknowledgment at record page No.28. The respondents have not disputed the aforesaid service of notice. The period of 24 months, as contemplated under Section 127 of the MRTP Act, expired on 21.06.2025 and since the respondents have not taken any step for acquisition of the aforesaid land, the petitioners have approached this Court seeking a declaration of lapsing.

6. Respondent Nos.2 and 3, in response to the notice of this Court, have appeared and filed their reply on 30.01.2026. A perusal of the said reply reveals that the respondents have admitted the title of the petitioners, the reservation of the land, issuance of purchase notice dated 19.06.2023, and receipt of the same on 21.06.2023. However, the grievance raised by the respondents is that though the petitioners have included 7/12 extract, chart prepared by the Planning Authority and part plan, they have not included the original copy of 7/12 extract and measurement sheet of the aforesaid land and hence, the aforesaid purchase notice cannot be acted upon. However, such grounds raised by the present respondents lose their force in view of the fact that the respondents themselves have accepted the aforesaid notice and forwarded the proposal to the Collector, Amravati, on 26.07.2024 for commencement of acquisition proceedings in respect of the aforesaid land, requesting issuance of a notice under Section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

7. Even otherwise, the aforesaid issue is no more *res integra*, in view of the judgment of this Court in the case of *Yakub Salebhai Contractors and Others vs. State of Maharashtra*,

MANU/Mh/1484/2026, wherein this Court has held that the documents such as measurement map are not mandatory documents to be included alongwith a purchase notice and its non inclusion at the time of issuance of notice does not vitiate the aforesaid notice. The fact remains that Section 127(1) of the MRTP Act specifically provides that the notice under Section 127(1) shall be accompanied with the documents showing title or interest in the land and does not refers to any other document. Thus, in our considered view, the aforesaid ground raised by the respondents is unsustainable in the eyes of law.

8. The respondent Nos.2 and 3, in paragraphs 5 and 6 of their reply, have contended that the Second Revised Draft Development Plan, under Section 26 read with Section 38 of the MRTP Act, was published in the Official Gazette of the Government of Maharashtra inviting suggestion and objection on 06.12.2018. The purchase notice was issued by the petitioners after publication of such Second Revised Draft Development Plan and hence, the notice cannot be considered and benefits of lapsing cannot be given to the petitioners. The respondent Nos.2 and 3 contend that the petitioners will have to wait for another 10 years from finalization of the Second Revised Draft Development Plan,

which is now pending with the Government of Maharashtra for approval.

9. In our considered view, such a stand adopted by the respondent Nos.2 and 3 is completely unjust and unsustainable in the eyes of law. The First Final Development Plan, under which the aforesaid land was reserved, came into force on 25.02.1993. It is after passage of 23 years i.e. on 23.01.2026, the aforesaid affidavit was filed by respondent Nos.2 and 3 and on the date of filing of the affidavit, the aforesaid land is still not acquired by the respondents and the petitioners had been waiting for the same since last 23 years. Now, the respondent Nos.2 and 3 contend that the petitioners will have to wait for the approval of the Government of Maharashtra for the Second Revised Draft Development Plan which was submitted on 06.12.2018 and the same is yet to be finalized. The respondent Nos.2 and 3 have stated on oath that the petitioners will have to wait for 10 years from the finalization of such Second Revised Draft Development Plan which is pending for approval since 2018 and even after passage of 8 years, the same is not yet finalized.

10. Such approach on behalf of respondent Nos.2 and 3 shows the lack of apathy towards the valuable rights of the

petitioners guaranteed under Article 300-A of the Constitution of India. So far as the issue regarding the pendency of the revised development plan is concerned, the aforesaid issue was considered by this Court in Writ Petition No.8756 of 2018. In the background of abovesaid submissions, learned counsel for the petitioners states that identical issue was considered by this Court in Writ Petition No.8756 of 2018 along with the connected petitions. In the said petition, the question was framed and decided by this Court, which reads thus.

“Question that arises for consideration of this Court is whether the purchase notice issued by the Petitioners subsequent to the date of the Draft Revised Development Plan for the city of Nashik would be a valid notice or not or the petitioners were required to again wait for expiry of 10 years from the date of the Draft Revised Development Plan for the city of Nashik and then issue a fresh notice and then if no steps would be taken by the respondents within the time prescribed, the reservation in respect of the writ land would lapse at that stage or not.”

This question has been answered by the Court by recording the finding in paragraph Nos.37 and 38 as under :

*“37. In our view, the reservation of the writ land has lapsed upon the expiry of the period from service of the Purchase Notice under section 127 of the MRTP Act. The proposal bearing land acquisition Proposal No. 16 of 2006 pending before the Collector, Nashik and or the sanction of the Draft Revised Development Plan as the new plan by Notification of 9th January 2017 and consequently the writ land shown under Reservation No.205 for public housing cannot be construed as steps taken as contemplated by Section 127 of the MRTP Act. This Court in the case of **Trilok Singh (supra)**. While adverting to the judgment of the Supreme Court in the case of Shrirampur Municipal Council v. Satvabhambai Bhimaji Dawkher, 2013 5 SCC 627 and also to its earlier judgment in the case of **Girnar Traders (supra)** has held that the steps towards acquisition can only be said to have commenced when the State Government takes steps for acquisition of the*

particular piece of land, by the publication of declaration under Section 6 of the Land Acquisition Act, 1894.

38. In the present case, the notification under Section 6, admittedly, has not been issued. The statutory notice viz the Purchase Notice under Section 127 of the MRTP Act was issued on 14th July, 2015 and it is evident that no steps as contemplated under Section 126(1)(c) read with Section 127 were taken before the expiry of the statutory period of 24 months. We are unable to agree with the submissions of Ms. Deshmukh on the application of the judgment of **Prafulla C. Dave (supra)** as it would deprive the petitioners of their statutory rights. In this regard, the Apex Court in the case of **Godrej And Boyce Manufacturing Company Limited (supra)** has held that the statutory right accrued to the owners cannot be taken away by an attempt to impose fresh reservation. We are also unable to agree with the contention of Mr. Patil that the publication of the Draft Revised Plan having been published prior to the issuance of the Purchase Notice and the same would have an effect of continuing the reservation on account of the same being sanctioned subsequently.”

11. Relying on the above Judgment, this Court in the case of **Abdul Sajid Abdul Samad & Anr. V/s The State of Maharashtra & Ors.** in Writ Petition No.5829 of 2024 decided on 26/2/2025 has observed in paragraph Nos.4, 5 and 6 as under:

4. It is contended by the learned Counsel for the Respondent Nos. 2 and 3 that on account of the draft plan prepared under Section 38 of the Act of 1966 on 06.12.2018, the period of ten years, will have to be counted from the said date, considering which, the Petition is not maintainable. In this context, what is required to be considered is that a similar issue is raised has already been dealt with by the learned Division Bench of this Court in **Santu Sukhdeo Jaibhave and others Vs. Nashik Municipal Corporation and others, 2023 (2) BCR 469**, it is held as under :

“28. It is thus clear that even in respect of such revised development plan, a draft thereof has to be published followed by the objections and suggestions, as may be, filed by the person concerned, and after consideration of those objections and suggestions, final revised development plan is sanctioned. In our view, till such time, the draft Revised Development Plan is sanctioned finally and comes into effect in accordance with the provisions prescribed in the MRTP Act, the Draft Revised Development Plan

has no legal sanctity and cannot be considered as final.

29. It is obvious that if any objections and suggestions opposing the Draft Revised Development Plan are accepted by the Planning Authority, such Draft Revised Development Plan would not be final in its original form. Admittedly the purchase notice issued by the petitioner under Section 127 was not issued after the sanction of Draft Revised Development Plan under Section 31 of the MRTP Act. The respondents thus cannot be allowed to urge that the notice issued by the petitioners under Section 127 of the MRTP Act after publication of the Draft Revised Development Plan would not be a valid purchase notice. There is no substance in the submission made by the learned counsel for the respondents that the time to take steps by the respondents to acquire writ land would not commence from the date of receipt of purchase notice in view of the respondents already having published a Draft Revised Development Plan or that the petitioners would have to issue a fresh notice under Section 127 of the MRTP Act after expiry of 10 years from the date of sanction of Draft Revised Development Plan. The submission advanced by the learned counsel for the respondents are ex facie contrary to the provisions prescribed in Chapter III of the MRTP Act.”

5. In the instant matter, it has not been brought on record that the draft plan, has been sanctioned at any point of time till date, on account of which, the same cannot be taken into consideration, in view of what has been held above.

6. Though it is contended by the learned Counsel for the Respondent Nos. 2 and 3, that a proposal of acquisition has been sent to the Respondent No.1, till date there is no response thereto. The statutory period of 24 months in terms of Section 127 of the Act of 1966, has already been expired, in view of which, we have no other option to hold that the reservation stands lapsed in view of mandate of Section 127 of the Act of 1966.”

12. Hence, considering the law laid down by this Court, we are of the considered opinion that only because Second Revised Development Plan was pending at the time of issuing notice by the petitioners, their statutory right cannot be taken away. Hence,

objection raised by the respondents is not sustainable. Consequently, petitioners are entitled to take statutory benefits under Section 127 of the MRTP Act.

13. In light of the above discussion and the well-settled legal position, we find that the reservation in respect of the aforesaid land has lapsed under Section 127(2) of the MRTP Act upon expiry of 24 months from 21.06.2023. Hence, the petitioners are entitled to the relief of a direction permitting them to develop the land, as prayed for, which was subject to reservation. In that view of the matter, we proceed to pass the following order :

ORDER

- i) The present writ petition is allowed.
- ii) It is declared that the reservation of Primary School *vide* reservation No.103 affecting area admeasuring 0.348HR of land bearing Survey No.173/1/A, area admeasuring 1.21 H.R of of village Rahatgaon, Taluka and District Amravati, has lapsed under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 and the petitioners are free to develop the aforesaid land in the manner permissible to the adjacent land as per

Regional 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 MRTP Act and declare that the reservation of Primary School *vide* Reservation No.103 affecting area admeasuring 0.348 HR of land bearing Survey No.173/1/A, area admeasuring 1.21 H.R. of village Rahatgaon, Taluka and District Amravait has lapsed.

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

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)