



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

WRIT PETITION NO. 3927 OF 2025

Gangaram Maroti Junghare,
deceased through its Legal heirs

1. Anusaya Gangaram Junghare,
Age 77 years, Occ. Household,
2. Shankar Gangaram Junghare,
Age 62 years Occ. Service
3. Subhash Gangaram Junghare
Age 49 years Occ. Service
4. Asha Ravindra Choudhary,
Age 46 years Occ. Household
5. Jyoti Arun Chincholkar,
Age 45 years Occ. Household
6. Urmila Devrav Timande,
Age 41 years Occ. Household

all R/o Gangagiri Nagar, MIDC,
New Datada, Chandrapur

.... Petitioners.

vs.

1. State of Maharashtra,
Thr. Secretary, Urban Development
Dept. State of Maharashtra, Mantralaya,
Mumbai
2. The Maharashtra Housing and Area Development
Authority (MHADA), through its Chief Officer,
Civil Line, Temple Road, Raja-Rani Chowk,
Near Aamdar Nivas, Nagpur

.... Respondents

Shri G. K. Mundhada, Advocate for petitioners.

Shri A. V. Palshikar, Assistant Government Pleader for respondent No.1/State.

Shri A. A. Potnis, Advocate for respondent No.2.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.
DATE : 13th January, 2026.

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

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 A. A. Potnis, learned counsel for respondent No.2.

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

3. The present petitioners who are the legal heirs of Gangaram Maroti Junghare and joint owners of the property inherited from him have approached this Court seeking a declaration that the reservation of their land 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 petitioners have also prayed for consequential reliefs.

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

Shri Gangaram Maroti Junghare was the owner and possessor of land originally identified as Old Survey No.292 of village Datala Tq. & District Chandrapur area admeasuring 0.88 HR and Survey No.293/1/A of village Datala Tq. & Dist. Chandrapur, covering

area of 1.42.53 HR. The aforesaid land is situated within the development limits of Chandrapur, District Chandrapur.

5. The respondent No.2 is the Maharashtra Housing and Area Development Authority (for short, MHADA) and was appointed as the 'Special Planning Authority' under Section 40(1)(b) of the aforesaid Act to undertake the planned and orderly development of notified area of New Chandrapur. Respondent No.2 on 28/12/1993 submitted Draft Development Plan for Chandrapur-Ballarpur region under Section 30 of the said Act to respondent No.1 for sanction. After compliance of various provisions of the said Act, the said Draft Development Plan for Chandrapur-Ballarpur Region was duly sanctioned by the Government of Maharashtra vide notification No.TPD-2294/471/CR-159/UD-9 on 30/06/1998. The scheme as per the above notification came into force from 01/09/1998. In the aforesaid Regional Development Plan, Survey No.292 area admeasuring 0.35 HR and Survey No.293/1A area admeasuring 1.14.53 HR of village Datala Tq. and Dist. Chandrapur was reserved for Primary School vide reservation No.112 and for Garden vide reservation No.113 respectively.

6. The aforesaid reservation of the land owned by Gangaram Maroti Junghare continued however, there was no acquisition even after ten years of reservation lapsed on 31/08/2008. Gangaram Maroti

Junghare was interested in developing the aforesaid land and hence he issued purchase notice under Section 127 of the aforesaid Act to the respondent No.2 on 31/12/2020. Notice was personally served along with relevant documents including respective 7/12 extract, talathi map, measurement sheet and part plan. By virtue of the aforesaid purchase notice, Gangaram Junghare called upon respondent No.2 to acquire the aforesaid land within statutory period of 24 months from the date of notice. Copy of aforesaid notice dated 31/12/2020 is at record page 16 (Annexure-A) and shows the acknowledgment of respondent No.2. The fact of receipt of notice on 31/12/2020 is not disputed by respondent No.2.

7. After service of aforesaid purchase notice, Gangaram Maroti Junghare expired. After the death of previous owner, the petitioners being the legal heirs, inherited the aforesaid property and stepped into the shoes of previous owner. The petitioners filed application for mutation of their names along with relevant documents before the revenue Authority and accordingly names of the present petitioners were mutated as joint owners of the aforesaid land vide mutation entry No.4464 dated 13/09/2024. The corrected 7/12 extract issued by the revenue Authority in the name of the petitioners is annexed to the present petition at record page 23, Annexure-B.

8. The purchase notice was duly served upon respondent No.2 on 31/12/2020 and the statutory period of 24 months as provided under Section 127 of the aforesaid Act lapsed on 31/12/2022. The fact remains that within the period of 24 months, no steps for acquisition were taken by respondent No. 2 after receipt of the purchase notice on 31/12/2020. 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.

9. Shri Mundhada, learned counsel for the petitioners 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 petitioners are entitled to release of the land from reservation.

10. Per contra, Shri Ashutosh Potnis, learned counsel appearing for respondent No. 2, invited our attention to the reply filed by respondent No.2 on 25/09/2025. Perusal of reply reveals that respondent No.2 has not disputed the ownership of the petitioners nor has disputed the receipt of purchase notice issued by the father of the petitioner viz. Gangaram Maroti Junghare. The respondent No.2 has opposed the present petition on the ground that the notice under Section 127 was issued by the predecessor in title and therefore legal heirs are not entitled to get benefit from the said notice and hence present petition

being devoid of merits deserves to be dismissed.

11. In our opinion, said argument will not be available to the respondent No.2 in view of the fact that the petitioners are undisputedly the legal heirs of previous owner. All rights and interests vested in previous owner, after his death, are now vested in the petitioners as his legal heirs. Hence, any right of crystallisation arising under the purchase notice issued under Section 127 of the aforesaid Act to respondent No.2 will now be vest in the petitioners. The respondent No.2 has not disputed the legal heirship of the petitioners nor has disputed the title of the aforesaid land which was mutated in the name of the petitioners vide entry No.4464 dated 13/09/2024.

12. In view of above, in our considered opinion, if the previous owner possessing interest in developing the land, exercises the statutory right under Section 127 of the aforesaid Act and issues purchase notice to respondent No.2, after his death, his legal heirs by way of inheritance step into the shoes of the previous owner and after completion of statutory period of 24 months, right is accrued in view of sub-Section 2 of Section 127 of the aforesaid Act in favour of the petitioners under

13. Shri Potnis, learned counsel has also invited our attention to paragraph 9 of the reply which reads thus :

“ 9. That the answering respondent, being Special Planning Authority, had demanded requisite funds from the government for acquisition of different lands which are allocated in reservations for different purpose. As requisite funds were not received, the acquisition proceedings u/s 126 of MRTTP Act could not be commenced. In spite of taking efforts to procure funds from government so that land acquisition proceedings can be completed, the answering respondent has not received funds for completion of acquisition of the said land. It is further submitted that as soon as the requisite amount or funds are received, the acquisition procedure will be completed. ”

14. Perusal of aforesaid paragraph reveals that the respondent No.2 has admitted that for want of funds respondent No.2 could not complete the acquisition procedure nor a notification as mentioned under Section 126(4) of the aforesaid Act was published in the official gazette for a period of 24 months.

15. From the dates mentioned below, it is crystal clear that the statutory period contemplated under Section 127 of the aforesaid Act has lapsed. There is nothing on record to demonstrate that any steps for acquisition were taken by respondent No. 2 so as to justify rejection of the petition. The receipt of the purchase notice is also not in dispute. The relevant dates and events are as follows:

Sr.No.	Date	Particulars
1.	30/06/1998	Regional Development Plan for Chandrapur-Ballarpur Region was published.
2.	01/09/1998	The Final Development Plan was sanctioned and

		came into force wherein the petitioner's land was reserved for Primary School and Garden under Reservation Nos. 112 and 113 respectively. 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 Primary School and Garden was not acquired by agreement.
3.	31/12/2020	The petitioner issued a purchase notice under Section 127 of the aforesaid Act.
4.	31.12.2020	Respondent No.2 – Maharashtra Housing and Area Development Authority received purchase notice under Section 127 of the aforesaid Act.
5.	31.12.202 to 31.12.2022	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.

16. 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.112 for Primary School

and Reservation No.113 for Garden in respect of the agricultural land bearing new Survey No.292/293/1/C/39, affected area admeasuring 1.49.53 HR of village Datada Tq. Chandrapur Dist. Chandrapur stands lapsed under Section 127 of the aforesaid Act.

- (ii) The concerned respondent shall issue the 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.

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

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)