



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

CIVIL APPLICATION (W) NO. 278 OF 2026

IN

WRIT PETITION NO. 6726 of 2025

Subhashchandra Hukumchand Khurana

vs.

The State of Maharashtra, through Secretary, Ministry of Agriculture and Animal
Husbandry, Dairy Development and Fisheries, Mumbai and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Mohd. Ateeque, Advocate for petitioner.
Mr N. S. Rao, AGP for respondent nos.1, 2 and 4.
Mr. Abhay Sambre, Advocate for respondent no.3.
Mr. F. T. Mirza, Senior Advocate a/b Mr. Sameer M. Khan, Advocate for
applicants/intervenors.

CORAM :- ANIL S. KILOR and RAJ D. WAKODE, JJ.

DATE :- 30th MARCH, 2026.

This is an application for intervention. One of the applicants is the local Member of Legislative Assembly (MLA).

2. A challenge raised in the writ petition is to the communication dated 17.10.2025 issued by the respondent no.1-State staying the notification issued on 10.10.2025 under Section 127 (2) of the Maharashtra Regional and Town Planning Act, 1966 (for short, the MRTP Act) without hearing the petitioner, who is the owner of the land relating to which a notification is issued declaring that the reservation of the said land has been lapsed.

3. The provisions of Section 127 of the MRTP Act is very clear about the lapsing of reservation. Once the period of two years is expired/lapsed after service of notice under Section 127 of the MRTP Act and during this period of two years, no steps for acquisition of the land are taken, the reservation relating to such land is deemed to have been lapsed.

4. In the said backdrop, the intervenors taking advantage of the allegations made in the writ petition to the extent that because of the

local MLA and on his request to the Hon'ble the Chief Minister, due to political influence, the impugned order came to be passed.

5. In the above referred backdrop we can understand the intervention by the local MLA to the extent to show there was no such political influence. However, the arguments put-forth by the learned Senior Advocate before this Court are of the nature to protect the impugned order and try to justify the order on merit.

6. Admittedly, the order is passed by the respondent no.1-State. In the present writ petition the learned Assistant Government Pleader appearing for the respondents-State is very much competent to protect the interest of the State and despite this, if the local MLA is trying to intervene in the matter taking the help of one statement in the petition that because of his political influence, the impugned order came to be passed and tried to justify the order on merits, is sufficient to *prima facie* come to the conclusion that as alleged in the petition the local MLA has some vested interest.

7. In the circumstances, since we are of the *prima facie* view that the statement of the petitioner to the extent that the impugned order came to be passed because of political influence of the intervenor MLA, we allow the present application so that if we reached to the final conclusion that the said statement is correct and there is a substance in the same, any observation against the local MLA should not be in absence of him. For this reason, we allow the present application.

8. The petitioner shall add intervenors as party respondent nos. 5, 6 and 7. Necessary amendments be carried out in the petition before the returnable date.

9. The civil application stands disposed of accordingly.

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. Place this petition for further consideration on **16.04.2026**

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Andurkar.