IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 12136 OF 2024**

Kuldeepsingh Gurumukhsing Chadda Throu. Poa Zakir Hussain Badshah Attar ...Petitioner

***Versus***

Sangli Miraj Kupwad Municipal Corporation Throu. Commissioner And Anr ...Respondents

---

Mr. Vijay Killedar a/w Mr. Shivraj Jagdale and Mr. Rahul Rote for the Petitinoer.
Mr. Shivaji A. Masal for Respondent No.1.
Mrs. S. D. Vyas, Addl. GP a/w Ms. Tejas J. Kapre, AGP for the Respondent-State.

---

**CORAM : SHARMILA U. DESHMUKH & ABHAY J. MANTRI, JJ.**

**DATE : NOVEMBER 27, 2026**

**P. C. :**

**1.** The Petitioner seeks a declaration of lapsing of reservation under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 ("MRTP Act") in respect of the unacquired portion of land bearing Survey No. 1/A/1/A at Mouje Miraj, District Sangli, which was reserved under Reservation No. 489 (Stadium) and Reservation No. 490 (Primary School).

**2.** The Petitioner's land was reserved for a stadium and a primary

school in the Development Plan sanctioned on 4th April 2012. As no steps for acquisition of the said land were taken by the Respondent Municipal Corporation, a purchase notice was served upon the Municipal Corporation on 12th April 2022. As no steps were taken within the prescribed period of two years despite the service of the notice, the present Petition came to be filed seeking lapsing of the reservation.

**3.** In the reply affidavit filed by the Assistant Director of Town Planning of Sangli Miraj Kupwad Municipal Corporation, it is stated that out of the total area of 11,900 sq. mtrs., the Corporation has already acquired 7,961 sq. mtrs. and compensation has been paid to the Petitioner. It is stated that the remaining area of 2,333 sq. mtrs. under the stadium reservation and area admeasuring 1,606 sq. mtrs. under the Primary School reservation is not acquired by the Corporation as it is encumbered by encroachment and tenants, and therefore, the Corporation is unable to acquire the said land.

**4.** Mr. Killedar, learned counsel appearing for the Petitioner, would point out that as per the Gunthewari Act, 2001, the Corporation has granted Gunthewari certificate for regularisation of those very encroachments under the Gunthewari Act and the Petition, after the amendment, seeks lapsing of the reservation in respect of the unacquired portion of the land.

**5.** The provisions of Section 126 of the MRTP Act read as under.

> *"**126. Acquisition of land required for public purposes specified in plans.***
>
> *(1) When after the publication of a draft Regional plan, a Development or any other plan or town planning scheme, any land is required or reserved for any of the public purposes specified in any plan or scheme under this Act at any time, the Planning Authority, Development Authority, or as the case may be, [any Appropriate Authority may, except as otherwise provided in section 113A] [acquire the land,—*
>
> *(a) by agreement by paying an amount agreed to, or*
>
> *(b) in lieu of any such amount, by granting the land-owner or the lessee, subject, however, to the lessee paying the lessor or depositing with the Planning Authority, Development Authority or Appropriate Authority, as the case may be, for payment to the lessor, an amount equivalent to the value of the lessor's interest to be determined by any of the said Authorities concerned [on the basis of the principles laid down in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013], Floor Space Index (FSI) or Transferable Development Rights (TDR) against the area of land surrendered free of cost and free from all encumbrances, and also further additional Floor Space Index or Transferable Development Rights against the development or construction of the amenity on the surrendered land at his cost, as the Final Development Control Regulations prepared in this behalf provide, or*
>
> *(c) by making an application to the State Government for acquiring such land [under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013],*
>
> *and the land (together with the amenity, if any, so developed or constructed) so acquired by agreement or by grant of Floor Space Index or additional Floor Space Index or Transferable Development Rights under this sections [or under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013], as the case may be, shall vest absolutely free from all encumbrances in the Planning Authority, Development Authority, or as the case may be, any Appropriate Authority.*
>
> *(2) On receipt of such application, if the State Government is satisfied that the land specified in the application is needed for the public purpose therein specified, or [if the State Government (except in cases falling under section 49 [and except as provided in section 113A)] itself is of opinion] that any land included in any such plan is needed for any public*

*purpose, it may make a declaration to that effect in the Official Gazette, [in the manner provided in section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013], in respect of the said land. The declaration so published shall, notwithstanding anything contained in the said Act, be deemed to be a declaration duly made under the said section:*

*[**Provided** that, subject to the provisions of sub-section (4), no such declaration shall be made after the expiry of one year from the date of publication of the draft Regional Plan, Development Plan or any other Plan, or Scheme, as the case may be]*

*[(3) On publication of a declaration under the said [section 19], the Collector shall proceed to take order for the acquisition of the land under the said Act; and the provisions of that Act shall apply to the acquisition of the said land with the modification that the market value of the land shall be,—*

*(i) where the land is to be acquired for the purposes of a new town, the market value prevailing on the date of publication of the notification constituting or declaring the Development Authority for such town;*

*(ii) where the land is acquired for the purposes of a Special Planning Authority, the market value prevailing on the date of publication of the notification of the area as undeveloped area; and*

*(iii) in any other case, the market value on the date of publication of the interim development plan, the draft development plan or the plan for the area or areas for comprehensive development, whichever is earlier, or as the case may be, the date of publication of the draft Town Planning Scheme:*

***Provided** that, nothing in this sub-section shall affect the date for the purpose of determining the market value of land in respect of which proceedings for acquisition commenced before the commencement of the Maharashtra Regional and Town Planning (Second Amendment) Act, 1972:*

***Provided further** that, for the purpose of clause (ii) of this sub-section, the market value in respect of land included in any undeveloped area notified under sub-section (1) of section 40 prior to the commencement of the Maharashtra Regional and Town Planning (Second Amendment) Act, 1972, shall be the market value prevailing on the date of such commencement].*

*(4) [Notwithstanding anything contained in the proviso to sub-section (2) and sub-section (3), if a declaration] is not made within the period referred to in sub-section (2) (or having been made, the aforesaid period expired on the commencement of the Maharashtra Regional and Town*

*Planning [(Amendment) Act, 1993], the State Government may make a fresh declaration for acquiring the land [under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013], in the manner provided by sub-sections (2) and (3) of this section, subject to the modification that the market value of the land shall be the market value at the date of declaration in the Official Gazette made for acquiring the land afresh]."*

**6.** Though the purchase notice was served on 12th April 2022 in respect of the unacquired land, no steps were taken by the Corporation towards acquisition. In view thereof, the reservation is deemed to have lapsed and the land in respect of which the notice is issued is deemed to be released from reservation. In the present case, as no steps for acquisition were taken within the prescribed period, the reservation upon the unacquired land out of Survey No. 1/A/1/A situated at Mouje Miraj, District Sangli has lapsed.

**7.** The State Government is directed to issue a notification in terms of Section 127(2) of the MRTP Act within a period of three months from today. The unacquired portion of the said Survey No. 1/A/1/A will be available for development as per the adjacent plot.

**8.** The Petition is allowed in above terms.

**[ABHAY J. MANTRI, J.]** **[SHARMILA U. DESHMUKH, J.]**