

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.4208 OF 2025

Madhurkumar Ramkrushnaji Bajaj
(Since Deceased) through legal heir
1(a) Kumud Madhurkumar Bajaj ... Petitioner

Versus

The State of Maharashtra,
Through Principal Secretary,
Revenue and Forest Dept. & Ors. ... Respondents

Mr. Virag Tulzapurkar, Sr. Advocate a/w Mr. Mandar Soman,
Ms. Lata Dhruv, Ms. Swati Sutar and Ms. Keya Raval i/b Dhru &
Co. for the Petitioner

Mr. B. V. Samant, Addl. G.P a/w Mr. R. S. Pawar, A.G.P for the
Respondents-State

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.
TUESDAY, 16th DECEMBER 2025**

P.C. :

1 The principal grievance of the learned Senior Counsel
for the petitioner is that, atleast four survey numbers, i.e., Survey
Nos. 109, 110, 111, and 157, are shown both in the Residential
Zone as well as in the Non-Development Zone (Exhibit `D` at

page 133). He submits that the Stamp Authorities are demanding stamp duty on the footing that these properties are situated in the Residential Zone, which is impermissible. Learned Senior Counsel further submits that the Stamp Authorities cannot pick and choose, at their whims and fancies, without any legal basis for doing so. He further submits that Survey No. 161, though shown in the Residential Zone, is in fact situated in the Non-Development Zone.

2 After hearing the learned Senior Counsel for the petitioner and the learned Addl. G.P., we are of the opinion that the Town Planning Authority needs to be impleaded as a party respondent, as the said respondent would be required to file an affidavit clarifying, as to whether the said survey numbers, which are overlapping and shown both, in the Residential Zone and Non-Development Zone, fall in which Zone.

3 Accordingly, we grant leave to amend to the petitioner to implead the Town Planning Authority as party respondent No. 6. Amendment to be carried out forthwith. Re-verification is dispensed with.

4 Issue notice to the newly added respondent No.6. Mr. Samant, learned Addl. G.P. waives service on behalf of the newly added respondent No.6 and seeks time to file an affidavit-in-reply. The affidavit to clarify whether the aforesaid survey numbers fall in the Residential or the Non-Development Zone, including Survey No. 161. The said affidavit to be filed in the Registry on or before 9th January 2026, with an advance copy to the learned Senior Counsel for the petitioner.

5 Stand over to **16th January 2026.**

6 In the meantime, the hearing of the appeal preferred
by the petitioner to be deferred till after 16th January 2026.

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.