



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

WRIT PETITION NO.8489 OF 2018

(Naresh s/o Mannaprasad Pathak and anr. Vs. State of Maharashtra 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. S.K. Bhoyar, Advocate for the petitioner.
Mrs. K.S. Joshi, Addl. G.P for respondent Nos.1 to 4/State.
Mr. S.D. Paliwal, Advocate for respondent No.5.

**CORAM : AVINASH G. GHAROTE &
URMILA JOSHI-PHALKE, JJ.**

DATED : SEPTEMBER 12, 2023

Heard.

2. The issue regarding non-utilisation of the land within a period of five years of the date of acquisition, and therefore, the return of the land, now stands covered by the judgment of the Constitution Bench of the Hon'ble Apex Court in *Indore Development Authority Vs. Manoharlal and ors. [(2020) 8 SCC 129]*, para 363 in which it has been specifically held that this is not permissible under the Land Acquisition Act, 1894 which is the plea raised by the application at page 151. Considering which the question raised already stands covered and answered in *Indore Development Authority Vs. Manoharlal and ors.* (supra).

3. The petition, is therefore, dismissed. No costs.

(URMILA JOSHI-PHALKE, J.)

(AVINASH G. GHAROTE, J.)