



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

WRIT PETITION NO. 1230 OF 2025

Shri Hemant S/o. Ganeshprasad Jaiswal

.Vs.

The State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr N. S. Warulkar, Advocate for the petitioner
Mr N. S. Rao, AGP for respondent Nos.1, 4 and 5/State
Mr J. B. Kasat, Advocate for respondent Nos. 2, 3 and 5

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.
DATED : 3rd FEBRUARY, 2026.

Heard learned counsel for the petitioner.

2. In the present writ petition, we are surprised to note that two prayers contrary to each other have been made. One is to acquire the land within two years from the date of issuance of notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short 'the MRTP Act') and in alternative compensation be paid as the land has already been acquired.

3. If the first prayer is considered, it can be said that the land is not yet acquired and by way of notice under Section 127 of the MRTP Act, the petitioner is calling upon the authority either to acquire the land within two years or to declare the same as de-reserve and if the alternate prayer is considered, it can be said the land has already been acquired and the petitioner is asking for compensation.

4. Thus, both the prayers cannot go together or even alternative prayer for payment of compensation cannot be asked for once the notice under Section 127 of the MRTTP Act was issued and yet the period of two years is not lapsed after the service of such notice.

5. In the circumstances, the learned counsel for the petitioner seeks permission to withdraw the present writ petition with liberty to approach the authorities for redressal of his grievance. Permission is granted.

6. The writ petition stands disposed of, as **withdrawn**, with liberty as prayed for. No order as to costs. Pending applications, if any, also stand disposed of.

[RAJ D. WAKODE, J]

[ANIL S. KILOR, J.]

Namrata