

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

**WRIT PETITION NO.7431 OF 2014 WITH
CIVIL APPLICATION NO.8919 OF 2015**

Vishanu Pitambar Mail ... PETITIONER

VERSUS

Competent Authority & Special Land
Acquisition Officer No.2 & another ... RESPONDENTS

.....
Shri A.B. Kale, Advocate for petitioner
Shri S.S. Dande, A.G.P. for State
Shri M.V. Kini, Advocate for respondent No.2.
.....

W I T H

**WRIT PETITION NO.7433 OF 2014 WITH
CIVIL APPLICATION NO.8925 OF 2015**

Shanalal Kautik Mahajan & others ... PETITIONERS

VERSUS

Competent Authority & Special Land
Acquisition Officer No.2 & another ... RESPONDENTS

.....
Shri A.B. Kale, Advocate for petitioners
Shri S.S. Dande, A.G.P. for State
Shri M.V. Kini, Advocate for respondent No.2.
.....

W I T H

**WRIT PETITION NO.7434 OF 2014 WITH
CIVIL APPLICATION NO.8930 OF 2015**

Vishanu Pitambar Mail & others ... PETITIONERS

VERSUS

Competent Authority & Special Land
Acquisition Officer No.2 & another ... RESPONDENTS

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Shri A.B. Kale, Advocate for petitioners
Shri S.S. Dande, A.G.P. for State
Shri M.V. Kini, Advocate for respondent No.2.
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CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.

DATED: 29th January, 2016.

ORAL ORDER :

1. The respondent – competent authority has deposited the amount in this Court, in pursuance to the directions issued earlier. The interest of both the parties can be safeguarded by permitting the petitioners to withdraw the amount subject, however, to furnishing a Bank guarantee of a Nationalised Bank for the like amount.

2. The petitioners shall have remedy to withdraw the amount deposited by the respondent subject to furnishing Bank guarantee of a Nationalised Bank for the like amount. The Bank guarantee shall be kept alive until pendency and disposal of the

applications under Section 34 of the Arbitration and Conciliation Act, which are likely to be presented before the Principal District Judge at Dhule. In the event of failure of the respondents to present application with the Principal District Judge, Dhule within a period of three months from today and in the event of refusal of the District Court to entertain the applications, it would be open for the petitioners to approach this Court for recalling the order in respect of furnishing Bank guarantee. In the event of entertainment of the application under Section 34 of the Arbitration and Conciliation Act, which are proposed to be presented by the respondents, the Bank guarantee shall be kept alive until the disposal of the proceedings before the Principal District Judge. Writ Petitions are disposed of accordingly.

3. In view of disposal of the Writ Petitions, Civil Applications do not survive and same are disposed of. Rule discharged. No costs.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)