

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 5961 OF 2015

SHRI. GANGARAM MAHADEO GAVAS ...Petitioner

Versus

THE SPECIAL LAND ACQUISITION
OFFICER AND ANR. ...Respondents

WITH

Writ Petition NO. 7433 OF 2015

WITH

Writ Petition NO. 7434 OF 2015

....

Mr. Ajay A. Joshi, Advocate for the Petitioner.

Ms. M.S. Bane, "B" Panel AGP, for the Respondent-State.

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CORAM : R. G. KETKAR, J.

DATE : 18th MARCH, 2016

P.C.

1. Heard Mr. Ajay Joshi, learned Counsel for the petitioner and Ms. M.S. Bane, learned AGP for the respondents in all the Petitions, at length.

2. By these petitions under Article 227 of the Constitution of India, the petitioner has challenged the orders dated 10.10.2014 below Exh.13 and 9.1.2015 below Exh.16 passed by learned Civil Judge, Senior Division, Sindhudurga-

Oras in Special Darkhasts filed by the petitioner, hereinafter referred to as 'decree holder'. Decree holders filed application Exh.13 seeking permission to withdraw the decreetal amount deposited by the respondents payable under the award made under the Land Acquisition Act, 1894. The learned trial Judge allowed application Exh.13 and permitted the decree holder to withdraw the amount subject to furnishing indemnity bond as also solvent surety. By the subsequent order dated 9.1.2015, learned trial Judge rejected the application made by the decree holder from waiving the condition of furnishing solvent surety.

3. It is common ground between the parties that aggrieved by the order passed by the Reference Court, the respondents have instituted First Appeals in this Court. First Appeals are admitted and as far as Civil Applications are concerned, subject to the respondents depositing the entire decreetal amount within 12 weeks, this Court has stayed the order passed by the Reference Court and also gave liberty to the petitioners to file application for withdrawal of the amount. In view thereof, Mr. Joshi does not press these Writ Petitions and states that he will take out appropriate applications in First

Appeals for withdrawal of the amount. He further states that it may be clarified that the impugned orders will not come in the way of the petitioner. In view thereof, Petitions are disposed of as not pressed with liberty as prayed for. It is made clear that the impugned orders will not come in the way of the petitioner as he is in fact applying for withdrawal of the amount as per the liberty granted by this Court. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)