

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 232 OF 2016
WITH
WRIT PETITION (L) NO. 3649 OF 2015

Sagar Malkani Associate	...Petitioner
<i>Versus</i>	
The State of Maharashtra & Ors.	...Respondents

Mr. Girish Godbole, *with Mr. Drupad S. Patil, for the Petitioner.*
Mr. Milind More, AGP, *for Respondent Nos. 1 and 2.*
Mr. Vijay Thorat, Senior Advocate, *with Ms. Vandana Tiwari, i/b*
Mr. Bhavin R. Bhatia, for Respondent No. 3.

CORAM: S.C. DHARMADHIKARI &
G.S. PATEL, JJ.
DATED: 2nd February 2016

PC:-

1. Mr. More, learned AGP, on instructions from Mr. Bhalerao, Deputy Collector and Special Land Acquisition Officer who is present in Court, states that the communication at page 206 dated 20th January 2016 should be understood as compliance with the mandate of law, viz., that the amount of compensation would be deposited in the competent Civil Court.

2. Once the statement is made that the amount will be deposited in the competent Civil Court, we have no doubt that the Petitioner's apprehension is taken care of, particularly that disbursement thereof is being made and to a party named and as apprehended by the Petitioner.

3. We accept the statement made by Mr. More and expressing no opinion on the rival contentions insofar as the merits of the claim, we dispose of the Writ Petition.

4. Needless to clarify that in the event Respondent No. 3 seeks any relief, including a temporary withdrawal of the amount deposited, such an application shall be decided on its own merits and without being influenced by the statement made in the present Petition and accepted based on which the Writ Petition is disposed of.

5. Writ Petition (L) No. 3649 of 2015, which is not on board, is taken as if it is placed on today's board and in the light of the order passed in substantive Writ Petition, viz., Writ Petition (L) No. 232 of 2016, Writ Petition (L) No. 3649 of 2015 does not survive and rendered infructuous. It is disposed of as infructuous.

(G. S. PATEL, J.)

(S.C. DHARMADHIKARI, J.)