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

WRIT PETITION NO. 5042 OF 2017

**ARUN VASUDEV GOSAVI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY WATER
RESOURCES DEPT, MANTRALAYA, MUMBAI AND OTHERS**

**...
Advocate for Petitioners :B.S. Shinde h/f V.P. Latange
AGP for Respondents:Mr. D.R. Kale**

**...
CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 28/06/2017

PER COURT :-

1] After the writ petition was argued for some time and when we expressed our disinclination to grant any relief in writ jurisdiction given the pleadings, and particularly the contents of para 5, page 4 and 5 of writ petition, the learned Advocate on instructions, seeks leave to withdraw this writ petition with liberty to adopt appropriate proceedings. The writ petition is dismissed as withdrawn with liberty as prayed. However we clarify that on repeal of the Land Acquisition Act,1894 by Section 114 of the Act 30 of 2013 whether any earlier proceedings survive that repeal or not is an issue which has not been discussed and considered by us. Our order granting liberty should not be construed therefore, as allowing the petitioner to avail of the benefits of the Act of 2013.

(MANGESH S. PATIL,J.)

(S.C.DHARMADHIKARI,J.)

umg/