

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6558 OF 2017

MAHIPAT DAULAT PATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER AND ANOTHER

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Advocate for Petitioner : Shri Gunale V. D.
AGP for Respondents: Shri Kendre S.N.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 21, 2017

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PER COURT :-

1. Leave to add prayer clause. Addition to be carried forthwith.
2. The petitioner is aggrieved by the order dated 21.10.2016 and 7.12.2016, below application Exhibits 7 and 8 in Day Application No. 124 of 2016 in LAR No. 108 of 2004. Owing to the impugned orders, the order dated 9.9.2016 directing the petitioner to submit his personal bond for Rs. 9,35,996/- with an undertaking along with furnishing one solvent surety of the like amount, is made effective.
3. I have considered the submissions of the learned Advocate for the petitioner and learned AGP for the respondents.

4. There is no dispute that LAR No. 108 of 2004 was with regard to enhancement of compensation on account of the acquisition of the land of the petitioner. Shri Gunale, learned Advocate places on record the print out of the case details of the Bombay High Court, Aurangabad Bench website and submits that it would indicate that the First Appeal No.643 of 2013, filed by the State on 18.6.2012, challenging the enhancement in compensation, has been disposed off as withdrawn on 8.3.2016. Shri Gunale submits that the appeal preferred by the acquiring body has thus been withdrawn and the challenge to the enhancement does not survive.

5. Copy of the print out submitted by Shri Gunale is taken on record and marked as Exhibit "X" for identification and his statement is recorded as a statement made to the Court.

6. By the amended prayer the petitioner has sought the quashing of the order dated 9.9.2016.

7. Considering the above and in the light of Exhibit "X" coupled with the statement made, this petition is allowed. The impugned orders dated 21.10.2016 and 7.12.2016 are quashed and set aside. Consequentially, the direction vide order dated 9.9.2016, by which,

the petitioner is directed to furnish a solvent surety, stands set aside.

(RAVINDRA V. GHUGE, J.)

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