

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6528 OF 2017

LAHANU ANANDA THELARI DIED LRS AND OTHERS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER AND ANOTHER

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Advocate for Petitioners : Shri Gunale V.D.
AGP for Respondents: Shri Bhagat N.T.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 31, 2017

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PER COURT :-

1. On identical facts, this Court has allowed Writ Petition No.6558 of 2017 - Mahipat Daulat Patil Vs. The Special Land Acquisition Officer and another, on 21.8.2017.
2. In the instant case as well, First Appeal No.621 of 2015 was withdrawn by the acquiring body on 11.3.2016 and consequentially, the challenge to the compensation award delivered by the learned Civil Judge S.D. Dhule in LAR No.509 of 2004 stands given up.
3. Copy of the print out of the case status, 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.

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4. Considering the above and in the light of Exhibit "X", this petition is allowed in terms of prayer clause (B), which reads as under:-

"(B) By issuing writ of certiorari or any other appropriate writ, order or directions in the like nature, the directions dated 27.9.2016 issued by the learned Joint Civil Judge, Senior Division, Dhule on application below Exh.1 in Day Application No.151/2016 asking the petitioners to furnish one solvent surety of like amount and undertaking that they will deposit the entire amount as and when ordered and also orders dated 21.10.2016 and 22.11.2016 on application below Exh.6 and 7 in Day Application No.151/2016 in Land Acquisition Reference No.509/2004 be quashed and set aside and the petitioners be permitted to withdraw the decretal amount of Rs.34,83,670/- deposited in the reference court i.e. in the court of learned Joint Civil Judge, Senior Division, Dhule without furnishing solvent surety and/or undertaking and for that purpose necessary directions be issued."

(RAVINDRA V. GHUGE, J.)

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