

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 502/2013
 (THE A.P.M.C., NAGPUR VERSUS THE STATE OF MAHARASHTRA & OTHERS)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri U.S. Dastane, counsel for the petitioner.
 Shri V.A. Thakare, A.G.P. for the R-1 to 3.

CORAM : SMT. VASANTI A NAIK AND
V.M. DESHPANDE, JJ.

DATE : MARCH 14, 2017.

By this writ petition, the petitioner seeks a declaration that the Government Resolution, dated 17.01.2008 that requires the acquiring body to deposit approximately 50% of the provisional award with the land acquisition officer, is arbitrary and unreasonable.

Shri Thakare, the learned Assistant Government Pleader appearing for the respondent nos.1 to 3, states by referring to a copy of the award, dated 01.12.2015 that the award is passed in respect of the land that was sought to be acquired for the A.P.M.C.

Shri Dastane, the learned counsel for the petitioner-A.P.M.C., states that the entire amount that is due and payable to the claimants towards compensation is deposited and it would, therefore, be necessary to permit the petitioner to withdraw the sum of Rs.6,45,00,000/- that is deposited by the A.P.M.C. in terms of the order, dated 24.04.2013, in this Court.

Since it is stated that the award is passed and the compensation is deposited-released in favour of the claimants, the petitioner-A.P.M.C. is permitted to withdraw the amount deposited in this Court along with interest accrued thereon subject to the right of the State Government, if any, in respect of the said amount. In view of the subsequent development, i.e. the passing of the award, the writ petition is disposed of with no order as to costs.

The points raised in the petition are kept open.

JUDGE

JUDGE

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