

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

WRIT PETITION NO. 11021 OF 2018

**LOCHANABAI NIVRUTTI SURWASE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for the Petitioners : Shri N. B. Khandare
AGP for Respondent Nos. 1 and 2 : Shi K. S. Patil

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CORAM : RAVINDRA V. GHUGE, J.
DATED : 03rd OCTOBER, 2018.

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PER COURT :

1. The petitioners are the aggrieved plaintiffs in Regular Civil Suit No. 84/2007. The Arbitration Officer-cum-Collector in charge of Land Acquisition, Solapur Hyderabad National High Way No. 9, is considering case No.1584/2017.

2. According to the petitioner, the impugned order is dated 23/11/2017. I find from the said order that both the learned Advocates for the respective sides had sought time for canvassing their final submissions in the pending matters. The date for final hearing in the arbitration proceedings was therefore, postponed till 28/11/2017. The learned Advocate for the petitioners submits that the case has not progressed before the Arbitrator and/Collector, Osmanabad.

3. Grievance is that an application for addition of the Deputy Collector, Land Acquisition, Manjra Project needs to be decided by the Arbitrator before he decides the case No. 1584/2017. It is further stated that the said application filed on 07/02/2018, is still pending.

4. Today in Writ Petition No. 10995/2018, I have passed an order dismissing the petition and sustaining the order of the Trial Court dated 16/07/2018, declining addition of the Deputy Collector, Land Acquisition in the said suit.

5. Since it is stated that the application dated 07/02/2018 filed by these petitioners is still pending, this petition is disposed off with liberty to the petitioners to request the concerned authority, which is the Arbitrator and Collector, Osmanabad to consider their pending application dated 07/02/2018. A copy of this order shall be placed before the Arbitrator and Collector, Osmanabad by these petitioners.

6. This petition is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-