

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.165 OF 2017

Mahesh Khantilal Bhayani .. Petitioner

V/s.

State of Maharashtra, Thru.
Chief Secretary and Ors. .. Respondents

Mr.PK.Hushing for the petitioner

Mrs.Kirti R. Kulkarni, A.G.Pfor the Respondents

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : JUNE 8, 2018

P.C. :

1 Heard.

2 The learned counsel for the Petitioner submits that though this court by order dated 30.11.2015 in Writ Petition No.8992 of 2012 directed State either to acquire the suit land and or to hand over possession to the Petitioner within one year from the date of order, they failed and neglected to do so. Hence, Petitioner preferred the present Contempt Petition for taking action against the Respondent State.

3 The learned counsel for the Respondent submits that the issue in respect of interpretation of section 24(2) of Land Acquisition Act, 1894 is pending before the Apex court and Apex Court has granted status quo. Therefore, it is not possible for them to comply the order passed by this court on 30.11.2015.

4 At this stage, the learned counsel for the Petitioner submits that Petitioner may be permitted to withdraw the present petition with liberty to file the same as soon as the issue is decided by the Apex Court. To that effect, he has given in writing. Same is taken on record and marked 'X' for identification. Same is accepted.

5 Contempt Petition is disposed of as withdrawn with liberty as prayed.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)