

State Government entered in 7/12 extract in respect of the suit land deserves to be deleted.

2. The respondents have filed reply to the petition. As per reply affidavit filed by the respondents, it is clear from paragraph 7 that physical possession of the said surplus suit land is not taken by the respondents. For ready reference we extract paragraph 7 of the reply filed by the State :

“ 7. I say that the Respondent had followed the statutory procedure u/s 10 (1), 10(3) and 10(5) of the ULC Act. I say that, though possession of the said surplus land is not taken by the Respondent, the statutory procedure has been completed and hence the Petitioner cannot claim that the suit land stood abated and the suit land is free from the provisions of ULC Act.”

3. Having regard to the aforesaid admitted position that the physical possession of the surplus suit land is not taken by the respondents, in our considered view the question involved in this case is squarely covered by the Division Bench decision of this Court in the case of **Voltas Ltd. & anr. Vs. Additional Collector & Competent Authority & ors. 2008 (5)**

Bom. C.R. 746. In the circumstances, for the reasons stated in Division Bench Judgment of this Court we allow the Writ Petition in terms of prayer clause (a).

4. In view of the aforesaid, the Writ Petition is disposed of.

5. Parties to act upon an authenticated copy of this order.

(M.S.KARNIK, J.)

(SHANTANU S. KEMKAR, J.)