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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 631 OF 2017.**

Laxman Namdeo Patil and ors	...	Petitioners
V/s.		
The State of Maharashtra	...	Respondents

Mr.Sachin S. Punde, for the Petitioner.
Mr. A. R.Metkari, AGP for the Respondent State.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 11TH APRIL, 2018.

P.C. :

1] Heard learned counsel for the petitioner and learned AGP for the State.

2] By this petition filed under Article 227 of the Constitution of India, the petitioner is challenging the order dated 1st October, 2014, passed by 2nd Joint Civil Judge Senior Division, Alibag, below Application at Exh.12 in Special Darkhast No. 102 of 2007.

3] Application at Exh.12 was filed by the present petitioner for relaxing the condition of furnishing bank guarantee for withdrawal of the amount of compensation awarded to him. Additional bank guarantee to the extent of 50% of the amount of compensation was imposed by the trial Court itself vide its order dated 6th February, 2011. However, at that time First Appeal was

pending before this Court. Now that First Appeal is decided on 27th August, 2015 and the amount of compensation is also enhanced.

4] It is submitted by learned counsel for the petitioner that Special Leave Petition, preferred against the judgment and order of this Court in First Appeal is also dismissed by the Hon'ble Supreme Court.

5] In view thereof, nothing remains for insisting on the condition of furnishing bank guarantee.

6] The impugned order, therefore, passed by the trial Court is set aside.

7] The condition of furnishing bank guarantee before withdrawal of the entire amount of compensation is relaxed and set aside. However, the petitioner to give necessary affidavit in the form of undertaking that if at all any one makes claim against the said amount, he will be liable to return the same and he will not take double benefit.

8] The Writ Petition is disposed off in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]