

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

**WRIT PETITION NO. 3218 OF 2009**

|                                                                       |     |             |
|-----------------------------------------------------------------------|-----|-------------|
| Maharashtra Krishna Valley<br>Development Corporation Ltd.            | ... | Petitioners |
| V/s.                                                                  |     |             |
| The State of Maharashtra<br>through Revenue and Forest Dept. and Ors. | ... | Respondents |

Mr. V.D. Patil for the Petitioners.  
Mr. P.N. Diwan, A.G.P. for Respondent Nos.1 to 3- State.  
Mr. Sachin Punde for Respondent Nos.4, 35 and 36.

**CORAM : R.M. BORDE AND V.L. ACHLIYA, JJ.  
DATE : 14<sup>th</sup> JANUARY 2019.**

P.C.:

1           The instant Petition has been presented by the acquiring body i.e. Krishna Vally Development Corporation Ltd. taking exception to the award passed determining amount of compensation under Section 28A of Land Acquisition Act. The decision in Reference Application, which is the basis for directing enhancement in amount of compensation has not attained finality and is a matter of challenge in a First Appeal presented by the State. It is informed that during the intervening period, the Appeal

preferred by the State has also been dismissed, so also Special Leave Petition challenging the decision in the First Appeal has also been dismissed. Thus, the award passed by the Reference Court in a Reference Application which is the basis for granting enhancement in amount of compensation in favour of the claimants i.e. Respondents herein, has attained finality. In this view of the matter, the learned Counsel appearing for the Petitioners has been instructed by the acquiring body i.e. Petitioners herein, on 17.11.2018 to withdraw the Writ Petition. The communication dated 17.11.2018 issued by the Executive Engineer, Chass-Kaman Irrigation Department, Pune, is taken on record and marked 'X' for identification. Considering the request made by the Petitioners, the Writ Petition stands disposed of as withdrawn.

2                      Rule discharged. There shall be no order as to costs.

**(V.L. ACHLIYA, J.)**

**(R.M. BORDE, J.)**