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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6317 OF 2019

Smt. Anusaya Ganpat Bhosale
Since deceased through LRs.

1. Shri Maruti Ganpat Bhosale & Ors. .. Petitioners

Vs.

The State of Maharashtra & Ors. .. Respondents

Mr. Y. B. Lengare for Petitioners.

Mr. K. S. Thorat, AGP for Respondents.

CORAM: PRADEEP NANDRAJOG, CJ. &
SMT. BHARATI DANGRE, J.

DECEMBER 06, 2019.

P.C.

1. The Writ Petition does not plead complete facts. From Exhibit “J” it appears to be a case where notwithstanding award being published and lands of the predecessor-in-interest of the Petitioners being acquired, possession of the entire acquired land was not taken over and exercising power under Section 48 of the Land Acquisition Act, 1894 some lands were de-notified from

the acquisition. There are no particulars pleaded in the writ petition giving details of the said land.

2. The Exhibit further guides us that initial allotment to the Petitioners was made on the belief that entire land as per the award was taken possession of and when it came to be known that acquisition for some portions of land was withdrawn, steps were taken to take back the excess land allotted as compensatory land.

3. In the absence of material particulars pleaded in the writ petition, we permit the Petitioners to withdraw the writ petition granting liberty to file a fresh petition but after making proper pleadings.

4. The Writ Petition is dismissed as withdrawn with liberty granted.

**Pravin D.
Pandit**

Digitally signed by
Pravin D. Pandit
Date: 2019.12.06
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SMT. BHARATI DANGRE, J.

CHIEF JUSTICE