

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1043/2019

Ramrao S/o Sheshrao Badhe and others

..Vs..

Anita Dattatraya Doiphode and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C.A. Joshi, Advocate for the petitioners.

CORAM : Z.A. HAQ, J.

DATE : 15.2.2019.

Heard.

The Advocate for the petitioners submits that admittedly the process of acquisition of land, including the land which is subject matter of proceeding, is going on and if the owner of land voluntarily agrees for handing over the land to the Authority, the owner would get more compensation than on compulsory acquisition. It is submitted that if the compulsory acquisition is avoided and land is handed over voluntarily, it will be beneficial to the party who would succeed in the litigation and considering this aspect, the petitioners have no objection if the amount which would be received from the Authority is directed to be deposited before the Court itself and kept in fixed deposit till the decision of the Court. The Advocate for the petitioners seeks permission to withdraw the application (Exh. No.19) which is decided by the impugned order with liberty to file another application on the lines of above submissions.

Considering the facts of the case, the petitioners are permitted to withdraw the application (Exh. No.19). Consequently, the impugned order passed on application (Exh. No.19) does not survive. The petitioners will be at liberty to file application requesting the Court for handing over of the land proposed to be acquired voluntarily on condition that the Authority will deposit the amount of compensation before the Court and it will be kept in fixed deposit till disposal of the proceedings before the trial Court. With the above liberty, writ petition is **disposed**. No costs.

The Advocate for the petitioners has prayed for expeditious disposal of the civil suit. The petitioners may approach the trial Court with this request.

JUDGE