

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9159 OF 2021

SHAIKH MOHAMMAD MUKTAR AHMAD AND ANOTHER
VERSUS
THE COMPETENT AUTHORITY LAND ACQUISITION
AND ANOTHER

Advocate for Petitioners : Mr. Prafullasing Patil
h/f. Mr. Raghuvirsingh M. Patil
DSG for Respondent No. 1 : Mr. A.G. Talhar
Advocate for Respondent No. 2 : Mr. D.S. Manorkar

**CORAM : DIPANKAR DATTA, CJ.
AND
SMT. VIBHA KANKANWADI, J.**

DATE : 15TH NOVEMBER, 2022.

P.C.:-

1. This writ petition has been instituted by the petitioners, *inter-alia*, praying for the following relief: -

[B] To issue writ of mandamus, directing the respondent No.1 CALA to implement the Final Award No. AR/11/2016 dated 05/07/2017 with regard to all the land losers whose lands are acquired vide the said award.

[B1] To quash and set aside the subsequent award No. AR-11/2016 dated 01/08/2017 passed by the respondent no.1 in respect of petitioners lands situated at Relnawadi by issuing writ of *certiorari* or any other writ, order or direction, as the case may be.

2. It is not in dispute that the award dated 01/08/2017 has since been set aside by a co-ordinate Bench of this Court by its order dated 08/11/2019, passed in a group of writ petitions heard together with Writ Petition No. 1883 of 2018 (Yasminbegum w/o. Bakshulla Khan and others Vs. The State of Maharashtra and others) as the lead matter.

3. In such view of the matter, the award dated 01/08/2017 does not survive.

4. So far as the other prayer is concerned, we are informed that proceedings are pending before the Arbitrator. In view of the same, it would be open to the petitioners to approach the Arbitrator with a prayer for withdrawal of such portion of the award money to which they claim entitlement; and, if such an application is made, the Arbitrator may proceed to pass an appropriate order, in accordance with law.

5. With the aforesaid liberty, this writ petition stands disposed of. No costs.

[SMT. VIBHA KANKANWADI, J.]

[CHIEF JUSTICE]

grt/-