

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4072 OF 2022
IN WP/6969/2021 WITH WP/6969/2021

SANJAY DAGADU YEVALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.A.B.Kale, Advocate for the applicants.
Mr.P.K.Lakhotiya, AGP for respondent Nos. 1 to 3.
Mr.A.D.Pawar, Advocate for respondent No.4.

(CORAM : RAVINDRA V. GHUGE AND
S.G. DIGE, JJ.)

DATE : APRIL 1, 2022

PER COURT :

1. We have perused the proposed amendment, especially in the light of the documents from page Nos. 17 to 217 and we perceive that the petitioners will have to carry out a lengthy amendment in the petition. Instead, it would be appropriate if the petition is withdrawn with liberty to file a fresh petition by setting forth appropriate pleadings with regard to the same cause of action and the documents which are annexed to the civil application.

2. The learned Advocate for the petitioners submits that he may be permitted to withdraw this petition and file a fresh petition in the same cause and by setting forth additional grounds.

3. The learned Advocate for the respondents do not object, save and except to the extent of the issue of a statutory remedy available.

4. Since we have noted that this petition is filed purely for seeking directions to deliver the award in the acquisition matter and deposit 80% of the amount in this Court and such award has been delivered during the pendency of this petition, this petition is disposed off, as withdrawn, with liberty to file a fresh petition in the same cause and for assailing the award, as well.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)