

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

924 WRIT PETITION NO. 2967 OF 2021

**MOHAMMAD MUJAHID NUSARATALI PATEL
AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr. J.M. Murkute
AGP for Respondent No. 1 : Mr. P.K. Lakhotiya

...

**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 20.04.2022

P.C. :

1. This matter was heard for sometime.
2. Considering the submissions of the learned Advocates for the respondents, the petitioners have a statutory remedy for challenging the Award under Section 34 of the Maharashtra Industrial Development Act ("MID Act") and the provisions enumerated in part III of the Land Acquisition Act, 1894, read with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("2013 Act"). The appeal of the petitioners would be maintainable under Section 34 of the MID Act. Consequentially, the petitioners would be entitled to

move an application for seeking condonation of delay, if appeal is filed beyond limitation in the light of Section 64 of the 2013 Act.

3. The award is dated 27-02-2020. The petitioners obtained a certified true copy of the Award on 15-06-2020. Instead of preferring an appeal, they preferred writ petition on 08-12-2020 before this Court.

4. In view of the above, the learned Advocate for the petitioners submits that the petitioners desire to withdraw this petition and approach the competent authority by preferring an appeal under Section 34 of the MID Act, with the procedure under Section 64 of the 2013 Act, being applicable so far as condonation of delay is concerned.

5. As such, this petition is disposed off as withdrawn.

6. Needless to state, issue of delay would be considered by the Competent Authority and if deemed appropriate, the petitioners would be deprived of the interest component for the period of delay, in the event, they succeed.

(S.G.DIGE, J.)

(RAVINDRA V. GHUGE, J.)