

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 13417 OF 2018**

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Ramesh Mahadev Mali**..... Petitioner****VERSUS****Managing Director,
City Industrial Development Corporation
& Ors.****..... Respondents**

Mr. Surel S.Shah, a/w. Mr.A.A.Jadhavar, Mr.M.C.Kumbhar, Mr.Arif Jarkhande, i/b. Mr.Sachin K.Hande for the Petitioner.

Mr.Yogesh Bhoge, i/b. Jurisperitus Mumbai for Respondent nos. 1 and 2.

Mr.A.I.Patel, Addl. G.P., a/w. Mr.Ravi P.Kadam, A.G.P. for the State – Respondent nos. 3 and 4.

**CORAM: R. D. DHANUKA AND
M.G. SEWLIKAR, JJ.**

DATE : 30th JUNE, 2022

P.C:-

This matter appeared on 6th January, 2022 before this Court. Mr. Shah, learned counsel for the petitioner fairly invited our attention to the judgment of Hon'ble Supreme Court delivered by the Constitution Bench in case of *Indore Development Authority vs. Manoharlal & Others*, reported in *AIR 2020 SC 1496* and states that in view of the principles of law laid down by the Hon'ble Supreme Court in the said

judgment, this petition does not survive.

2. Insofar as payment of compensation is concerned, Mr. Kadam learned A.G.P. invited our attention to the averments made in paragraph (3) of the affidavit in reply dated 7th February, 2020 filed by Ms.Ashwini Patil, Deputy Collector (Land Acquisition), Metro Centre No.1, Uran, District Raigad stating that the compensation amount of Rs. 35,573/- has been deposited in the revenue account. He states that if the petitioner desires, the petitioner can withdraw the said amount. Statement is accepted.

3. The petitioner is at liberty to withdraw the said amount of Rs. 35,573/- with accrued interest, if any. If any such application for withdrawal is filed, the authority shall permit the petitioner to withdraw the said amount with accrued interest, if any.

4. Writ petition is disposed of in the aforesaid terms. No order as to costs.

[M.G. SEWLIKAR, J.]

[R. D. DHANUKA, J.]