

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

WRIT PETITION NO.4632 OF 2022

**AREFABEE W/O GULAM HUSSAIN AND ANOTHER
VERSUS
THE COMPETENT AUTHORITY (LAND ACQUISITION) AND OTHERS**

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Advocate for Petitioners : Mr. G. R. Syed
Advocate for Respondent Nos. 4,5,7 to 17 : Mr. Namit S. Muthiyan
Advocate for Respondent No.1 : Ms. Nikita N. Gore

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 10th APRIL, 2023

PER COURT :

1. Petitioners are aggrieved by the order dated 26/10/2021, passed by learned Joint Civil Judge, Senior Division, Aurangabad, below Exhibit-8 in Land Acquisition Reference No.161/2019, thereby rejecting application filed by the petitioners for permission to withdraw the compensation amount, on the basis of succession certificate granted in favour of petitioners in Civil M.A. No.810/2019.

2. Heard learned advocate for petitioners, learned advocate for respondent Nos.4, 5, 7 to 17 and learned advocate for respondent No.1. Perused the grounds raised in the writ petition, documents annexed thereto and the impugned order.

3. Learned advocate for petitioners submits that

respondents have already filed application for succession certificate before the competent Court. He further submits that after the said application is decided and after decision of L.A.R. No.161/2019 on merits, petitioners will file fresh application for withdrawal of amount. Learned advocates for respondents have no objection to the same.

4. In view of the above, this Court is not inclined to interfere in the impugned order at this stage. Writ petition is, therefore, dismissed with liberty to petitioners to file appropriate application after decision in L.A.R. No. 161/2019 and decision in M.A.R.J.I. No.854/2018

(NITIN B. SURYAWANSHI, J.)