

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9849 OF 2022

Malojirao Vinayakrao Nimbalkar

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. Viraj R. Patil, Advocate for the Petitioner.

Ms. M.S. Bane, AGP for State/Respondent.

Mr. Ashutosh Mishra, Advocate for UOI/Respondent No.2.

Mr. Satyajeet Rajeshirke, Advocate for Respondent No.5.

**CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.**

DATE : OCTOBER 09, 2023

P. C.

1. The learned advocate appearing on behalf of the Petitioner has fairly stated that the subsequent events have over taken the above Writ Petition and more particularly prayer clause (a) thereof which challenges the order passed by Respondent No.3 dated 2nd June, 2022 under Section 3C(2) of the National Highways Act, 1956. He submitted that the award is now passed and the stage of the acquisition

proceedings is for disbursement of compensation. In fact the Petitioner has also filed an Application under Section 3H(3) objecting the disbursal of the amounts set out in the award to the persons mentioned in the said award. That Application is pending. He therefore sought leave to withdraw the above Writ Petition with liberty to challenge the order passed by the Competent Authority under Section 3H(3) if the same is adverse to the Petitioner.

2. In these circumstances, the above Writ Petition is dismissed as withdrawn with liberty as prayed.

3. It is clarified that the Competent Authority shall decide the Application filed by the Petitioner under Section 3H(3) on its own merits and in accordance with law without being influenced by any observations made in the order dated 2nd June, 2022.

4. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]