



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10670 OF 2023

Sachin Shamrao Thorve

.. Petitioner

Versus

The State of Maharashtra and Ors.

.. Respondents

*Mr. Atul Damle, Senior Advocate i/b Vaibhav Ugle, Advocates
for the Petitioner.*

*Mr. A.I. Patel, Addl. G.P. with Mrs. M.S. Bane, AGP for
Respondents/State.*

Mr. Vilas Tapkir, Advocates for Respondent No.3.

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

DATE : SEPTEMBER 12, 2023

P. C.

1. The above writ petition is filed seeking a direction to Respondent No. 2 to pay compensation to the Petitioner in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The other relief sought is to direct Respondent No.2 to consider the representation made by the Petitioner on 31.07.2023 to Respondent No.2. The dispute in the above writ petition is in relation to acquisition of a part of Gat No. 638. The Petitioner has come to

Court on the ground that the Petitioner has admittedly bought 40R of Gat No.638 from Respondent No.3 under a Sale Deed dated 02.12.2015. For the construction of a ring road, the entire 40 R sold to the Petitioner is being acquired and hence, the compensation ought to be paid to the Petitioner.

2. The learned AGP has filed an affidavit-in-reply in the above writ petition dated 04.09.2023. In this affidavit, it is categorically stated that the land which belongs to the Petitioner is reflected in a map which is prepared after a joint measurement was carried out at the instance of the Petitioner and which map can be found at page 95 of the affidavit-in-reply. In the affidavit, it is further stated that the land of the Petitioner and which is reflected in the said map, is not the land that is being acquired for the ring road. Further, an affidavit has also been filed by Respondent No.3 saying that the property of the Petitioner is fenced by the Petitioner and the Petitioner's property is not the subject matter of the acquisition.

3. Mr. Damle, the learned Senior Counsel appearing on behalf of the Petitioner, submitted that in light of these two

affidavits, he is not pressing the above writ petition and he be granted leave to withdraw the same.

4. In these circumstances, the above writ petition is disposed of as withdrawn. No order as to costs.

5. It is needless to clarify that any other rights *inter se* between the Petitioner and Respondent No.3 are kept open to be agitated in the appropriate forum. We have not opined any view on any dispute *inter se* between the Petitioner and Respondent No.3 herein.

6. In light of the withdrawal of this writ petition, we now direct the State to disburse the compensation to Respondent No.3 in accordance with law within a period of 4 weeks from today.

7. 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.]