

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

WRIT PETITION NO. 15290 OF 2022

Kantilal Nathmal Baldota And Ors

...Petitioners

Versus

The State of Maharashtra Through The
Principal Secretary And Ors.

...Respondents

SNEHA
NITIN
CHAVAN

Digitally signed
by SNEHA
NITIN CHAVAN
Date: 2024.01.15
15:06:30 +0530

Mr.Jaydeep Deo for the Petitioners.

Mr.R.S. Pawar, AGP for the Respondent Nos. 1 to 3 and 5/State.

Mr.Rajdeep Khadapkar for Respondent No.4/Municipal
Corporation.

**CORAM : NITIN JAMDAR AND
M.M.SATHAYE, JJ.**

DATE : 9 JANUARY 2024

P.C. :

. Heard learned counsel for the parties.

2. The Petitioner has sought a prayer for writ of mandamus to the Respondents to withdraw from the acquisition proceedings. This prayer is made on basis of the stand that the Municipal Corporation that it does not want the said property for whose benefit the property is sought to be acquired by the State Government. The question would arise if the Petitioner has a legal right for such writ of mandamus that the State should withdraw from the acquisition

proceeding.

3. Further the entire complexion of the litigation has now changed, as the request of the Municipal Corporation to the State Government that it need not go ahead with the acquisition proceeding, is now rejected by the State Government. Therefore, the Petitioner will have to now challenge the action of the State in continuing with the acquisition proceeding and they challenge in that regard will be on a different legal basis.

4. That being the position, we dispose of the Writ Petition leaving it open to the Petitioner to institute a substantive petition in respect of the subsequent developments.

5. Writ Petition is accordingly disposed of.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)