



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 15 OF 2024

IN

WRIT PETITION NO. 6205 OF 2015

WITH

WRIT PETITION NO. 6205 OF 2015

Gulab Shankar Mhaske & Ors.

... Applicants/
Petitioners

Versus

The State of Maharashtra & Ors.

... Respondents

Ms. Neha M. Zanje i/b. Mr. Suresh M. Sabrad for the
applicants/petitioners.

Ms. T.D. Goswami, AGP for the State.

CORAM: G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.

Date : 26 September, 2024

PC:

1. We have heard learned counsel for the petitioners on this petition.

2. This petition is filed praying for the following substantive reliefs:

“a) rule be issued, records and proceedings be called for;

b) pending the hearing and final disposal of the present writ petition, this Hon’ble Court be pleased to restrain the respondents from disturbing the peaceful possession and occupation of the land bearing Gat No. 361, admeasuring 1 Hector 51 Ares, situate at Pathethan, Taluka Daund, District Pune in any manner whatsoever;

c) this Hon’ble Court be pleased to permit the applicants to amend the cause title and implead the name of proposed respondent no. 6;

d) interim/ad-interim relief in terms of prayer clause (b) above, be granted;”

3. Learned counsel for the petitioner would submit that considering the facts of the case, the issue would stand covered by the decision of the Supreme Court in **Indore Development Authority vs. Manoharlal & Ors.**¹. In this view of the matter, the petitioner be permitted to withdraw this petition. Learned AGP would not have any objection.

4. We have also been pointed out by an order passed by a co-ordinate Bench of this Court in Writ Petition No. 10050 of 2016 (**Shankar Bajirao Hargude & Ors. vs. State of Maharashtra & Ors.**) wherein the Court has passed the following order:

“1. Considering the fact that the issue as raised by the petitioners primarily contending that the acquisition of the land in question has lapsed in view of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and controversy now been settled in view of the decision of the Constitution Bench of the Supreme Court in the case of *Indore Development Authority vs. Manoharlal & Ors. (2020) 8 SCC 129*. Mr. Sabrad, learned counsel for the petitioners seeks leave to withdraw the petition.

2. Allowed to be withdrawn. Disposed of.”

5. We, accordingly, permit the petitioner to withdraw the petition.

6. Disposed of as withdrawn. No costs.

7. Interim Application would not survive. It is accordingly disposed of.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI, J.)

¹ (2020) 8 SCC 129