



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 WRIT PETITION NO.5069 OF 2026

GANPATI DATTU SURVE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. S.E. Shekade, Advocate for petitioners
Miss. Neha B. Kamble, AGP for State

...

CORAM : SMT. VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.

DATE : 06th MAY, 2026

ORDER :

. Heard learned Advocate Mr. S.E. Shekade for petitioners and learned AGP Miss. Neha B. Kamble for respondents/State.

2 The learned AGP pointed out that the petitioners have already approached the Competent Authority under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "**the Act of 2013**"), seeking relief similar to that prayed for in the present petition. However, this fact has been suppressed in the present petition.

3 In the present case, it is to be noted that writ jurisdiction is discretionary, and petitioners ought to have approached this Court with clean



hands. There is no disclosure regarding the petition/reference under Section 64 of the Act of 2013 in present petition. Further, as the petition/reference under Section 64 of the Act of 2013 will continue for other reliefs, it would be appropriate for the petitioners to pursue the prayer in respect of interest payable under Section 80 of the Act of 2013, before the Competent Authority. We also observe that withdrawal of present petition will not affect the rights of petitioners, which can be said to have crystallized in view of the interpretation of Section 80 of the Act of 2013.

4 Upon expressing disinclination to proceed with the matter, learned Advocate for petitioners seeks permission to withdraw the petition with liberty to pursue the said petition/reference under Section 64 of the Act of 2013.

5 The writ petition is **disposed of** with liberty to petitioners to pursue the prayer in the reference/petition filed under Section 64 of the Act of 2013, in respect of interest payable under Section 80 of the Act of 2013, before the Competent Authority. In other words, the Competent Authority shall proceed with the original petition/reference filed under Section 64 of the Act of 2013, and dispose of the same as expeditiously as possible.

(AJIT B. KADETHANKAR, J.)
agd

(SMT. VIBHA KANKANWADI, J.)