

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

8 WRIT PETITION NO. 6110 OF 2015

ANKUSH APPARAO SOMWANSHI
VERSUS
UNION OF INDIA AND OTHERS

...

Advocate for Petitioner : Mr. Ambade Pradeep V.
Mr. DR Kale, GP for Respondent/State;
Mr. Bhushan Kulkarni, Standing Counsel for UOI.

CORAM : **R.M.BORDE &**
P.R.BORA, JJ.

DATE : **24th JUNE, 2015.**

PER COURT :

1) Heard. The petitioner is praying for issuance of directions to the respondents to decide the representation tendered by him and to grant him additional compensation, considering the fact that the area actually acquired by the respondents is more than what has been specified in the Award.

2) It is not a matter of dispute that the Respondent Collector has declared the Award on 13.6.2013, prescribing the amount of compensation. In view of the provisions of Section 64 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short the said Act), any person interested, who has not accepted the Award, may, by written application to the Collector, require that the matter be referred by the Collector for the determination of

the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested. In the instant matter, the objection raised by the petitioner is in respect of measurement of the land. According to him, though more construction has been raised and larger area has been acquired, he has been paid the amount for lesser area, which objection can be determined by the Reference Court under Section 64 of the Act.

3) In view of the availability of the alternate remedy provided under the said Act, the petition does not deserve consideration and the same stands rejected.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/