

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CA/1229/2016 IN WP/5712/2003
WITH
CA/3402/2016 IN WP/5712/2003

BALAJI AMINES LTD
VERSUS
STATE OF MAHA & ORS

...

Advocate for Petitioner : Mr. Subodh P Shah
AGP for Respondents: Mr. B.V. Virdhe.
Advocate for respondent No.5 : Mr. G.B. Rajale.

**CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 13TH JUNE , 2016.**

PER COURT:

1] These are applications seeking amendment to the memo of writ petition on the ground of benefit under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2] Learned AGP and learned counsel for respondent No.5 oppose the applications on the ground that there is an inordinate delay in filing the application. Writ petition is filed in the year 2003 and the amendment applications are filed in January, 2016. According to learned counsel, even the project has been implemented. Possession of the land of the petitioner was taken on 22.11.1999 by private negotiations. Work of the project i.e. Tamalwadi Storage tank is also complete and the petitioners land is under submergence. The contentions in the application are denied.

3] It is a fact that the petition has been filed in the year 2003. Now, by way of amendment the petitioner seeks to avail the benefit of Section 24(2) of the right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. At the time of considering the amendment application, merits of the application need not

be considered. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force from 1.1.2014. Whether the petitioner would be in a position to prove the factum of benefit of Section 24(2) of the new Act is altogether different aspect. Even if the amendment is allowed, the respondents will have every right to controvert the averments sought to be incorporated by way of amendment. Hence, the Civil applications are allowed to the extent of seeking amendment. Amendment be carried out forthwith.

2] Place the matter on 27th June, 2016.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-