

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO.564 OF 2016
IN WRIT PETITION NO.6216 OF 2015

(Sau. Mandakini Bhaskarrao Jeevankar vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri U. Dastane, Advocate for applicant.
Shri N.S. Rao, Assistant Government Pleader for
respondents.

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : JUNE 22, 2016

Prayer is to review order dated 29/3/2016
passed in Writ Petition No.6216/2015.

Adv. Dastane for applicant/petitioner
submits that in view of express language of Section
24(1) read with Section 64 of the Right of Fair
Compensation and Transparency in Land
Acquisition, Rehabilitation and Resettlement Act,
2013, entitlement of applicant/petitioner to benefits
of rehabilitation need to be considered and for that
purpose, Reference must be made to Authority under
Section 64(1) of the said Act.

With the assistance of learned Counsel for
the applicant/petitioner, we have perused provisions

of Section 24(1)(a) and (b) of the said Act. The provision contained in Section 24(1)(b) operates when award has already been made. In the present matter, award was not made before coming into force of 2013 Act, with the result, controversy is covered by Section 24(1)(a), which stipulates that provisions of new Act only in relation to determination of compensation apply to such proceedings. It is, therefore, obvious that no other provision of 2013 Act can be looked into.

The miscellaneous civil application is misconceived and hence, the same is rejected.

JUDGE

JUDGE

khj