

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4161 OF 2015

Sakharam S/o Ramji Thorat and others

-vs-

State of Maharashtra, thr. Secretary, Revenue and Forest Deptt. and others

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

Court's or Judge's Orders.

Mr.A.S.Deshpande, counsel for the petitioners.

Mr.A. S. Fulzele, Addl.G.P.for the respondent Nos.1 to 3.

CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.

DATE : 19.01.2016.

By this petition, the petitioners seek a declaration that the notification issued by the Government under Section 4 of the Land Acquisition Act, 1894, dated 01/09/2014 is bad-in-law, as the same has been published after the coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

It is the case of the petitioners that the respondents could not have issued the notification under Section 4 of the Land Acquisition Act, 1894 after the coming into force of the Act of 2013.

Shri Fulzele, the learned Additional Government Pleader appearing on behalf of the respondents, states that after the writ petition was filed, the respondents have taken steps under the provisions of the Act of 2013 and have issued a notification under Section 11 thereof. It is stated that the cause for filing the writ petition has been rendered infructuous due to subsequent development.

Shri Deshpande, the learned counsel for the petitioners, does not dispute about the issuance of the notification under Section 11 of the Act of 2013. It is, however, stated that the said notification is

also not issued in accordance with the provisions of the Act of 2013 and the petitioners are desirous of challenging the same.

Be that as it may, the cause for filing the writ petition has been rendered infructuous, as the respondents have taken steps under the provisions of the Act of 2013 for acquiring the land of the petitioners. If the petitioners are aggrieved by the issuance of Section 11 Notification under the Act of 2013, the petitioners are free to take appropriate steps.

The writ petition is disposed of with no order as to costs.

JUDGE

JUDGE

KHUNTE