

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

WRIT PETITION NO.5317 OF 2016

[Narmadabai wd/o Madhukar Nawalkar and others .vs. State of Maharashtra and others]

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

Court's or Judge's orders

Shri S.P. Panditkar, Advocate for the petitioners,
 Shri A.M. Balpande, AGP for respondent nos.1 and 2.

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CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : DECEMBER 21, 2016.

The only prayer made by the petitioners in the instant petition is for a direction against the respondent no.2 to make a reference of the dispute in regard to the apportionment of the compensation to the authority under Section 76 of the Right to Fair Compensation and Transparency in the Land Acquisition, Rehabilitation and Resettlement Act, 2013.

It appears that there is a dispute between the petitioners and the respondent no.4 in respect of the title to the acquired land. According to the petitioners, the petitioners still have the ownership over the land, whereas according to the respondent no.4, the acquired land is sold to him. If that is so, the respondent no.2 may refer the dispute, as to the apportionment of the compensation to the authority under the Act. It is needless to state that if the dispute in regard to the apportionment is referred to the authority under Section 76 of the Act of 2013, the petitioners should consider withdrawing the suit filed against the respondent no.4.

Hence, we dispose of the writ petition, with a direction against the respondent no.2 to consider referring the dispute in respect of apportionment of the compensation to the authority under Section 76 of the Act of 2013, within four weeks. Order accordingly. No costs.

JUDGE

JUDGE

Gulande, PA