

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13462 OF 2017

Shri Arvind Thakurlal Vaidya and anr.Petitioners
versus
The Collector (Acquisition) Nashik and ors.Respondents

Mr. Shriram S. Kulkarni, advocate for the petitioners.
Mr. V. N. Sagre, AGP for the State.
Mr. A. A. Garge, advocate for the respondent No.13.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 20th DECEMBER, 2017.

P. C. :

Heard Mr.Kulkarni, learned counsel for the petitioners, Mr. Garge, learned counsel for the respondent No.13 and Mr. Sagre, learned AGP for the State.

2. The petitioners claim that their predecessors-in-title were mortgagees of the land admeasuring about 1 Hector 49 Ares from Survey No. 743/A/1/1 situated within the jurisdiction of Nashik. They claim that the said mortgage is not yet redeemed. The respondent Nos. 12 to 15 claim to have purchased this land from the respondent Nos. 5 to 7. The land admeasuring about 1821.312 square meters out of the final plot 528 from CTS No.7319 (old survey No.743) is being acquired by the Land Acquisition Officer, Nashik, for road widening. The petitioners claim that they are entitled for compensation.

3. Mr. Kulkarni, learned counsel for the petitioners, submitted that subsequent to Public Declaration under Section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "the said Act"), the petitioners filed their objections and, thereafter, despite their grievances, no notice under Section 21 of the said Act has been issued by the Collector to the petitioners. The petitioners apprehend that the Collector may pass an award and disburse the amount of compensation to the respondent Nos. 12 to 15 without considering their objections.

4. The learned AGP, on instructions, made a statement that as a matter of fact, the respondent No.2 has issued notice under Section 21 of the said Act to the petitioners and others on 4th September, 2017. The learned AGP assured this Court that the respondent No.2- Deputy Collector/Land Acquisition Officer, Nashik, will hear the petitioners and all concerned and, thereafter, pass an award. He also submitted that, in the event of any dispute regarding apportionment of compensation, the concerned Land Acquisition Officer shall make reference under Section 76/64 of the said Act to the authority appointed under Section 52 of the said Act.

5. In the light of above, the grievance made in the petition, no more survives. The writ petition is, accordingly, disposed of.

6. This order should not be construed as an expression of any opinion regarding apportionment of compensation to the parties and all rights and contentions of the respective parties are kept expressly open to be agitated before the Land Acquisition Officer.

(SMT. ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]