

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 339 OF 2017

Rajesh Dyeing & Printing Works	.. Petitioner
V/s	
The District Collector (Land Acquisition) & Ors.	.. Respondents

Ms. Prabha Badadare for the petitioner.
Mrs. Jyoti Chavan, AGP for the State.
Mr. Simil Purohit i/b Wadia Ghandy & Co. for respondent no.6.

**CORAM: DR. MANJULA CHELLUR, C.J. &
N.M. JAMDAR, J.**

DATE : 22nd JUNE 2017

P.C.:

The petitioner is before us raising a grievance that as an interested person when the land owned by the 6th respondent came to be acquired, the petitioner was not heard.

2. The petitioner contends that the award is passed by the Collector now and the amount may be paid to the 6th respondent ignoring the claim of the petitioner who alleged to be a tenant under the 6th respondent running a printing and dyeing unit in a shed measuring 29,235 sq.ft. (carpet area), and in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No.30 of 2013), a provision similar to

the provision provided under the Land Acquisition Act, 1894 is made to notify the owner as well as all those persons who have an interest or right in the property to be acquired.

3. We do not know at this stage whether the claim of the petitioner that he is a tenant and therefore is an interested person could be decided. These are all factual issues which have to be dealt with by the Collector concerned. If the petitioner also lays a claim before the concerned Authority for apportionment of the award and if the said application is pending, the respondent Authority has to look into the said application and dispose of the same. It is brought to our notice that such application is still pending and not yet disposed of.

4. In that view of the matter, we dispose of the writ petition by directing the respondent Collector to dispose of the application filed by the petitioner within 8 weeks from today.

(N.M. JAMDAR, J.)

CHIEF JUSTICE