

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3288 OF 2016

Bhausso @ Shamrao Yashwantrao
Barvekar ... Applicant/ Petitioner.

V/s.

The Collector (Rehabilitation) and ors. ... Respondents.

Ms Prabha Badadare for the Applicant.

Mrs. Madhubala Kajale, B- Panel Counsel for Respondent Nos.1 to
3 – State.

**CORAM : R. M. BORDE AND
PUSHPA V. GANEDIWALA, JJ.
DATE : 13th FEBRUARY 2019.**

P.C.:

1] The petition is presented seeking directions to the respondents to return the land ad-measuring 43 R acquired earlier under the award passed in 1998 invoking the provisions of Section 101 of the Right to Fair Compensation and Transfer of Tenancy in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “**Act of 2013**”). Since the award has been declared in the year 1998, the provisions of Section 101 of the Act of 2013 cannot be invoked as the remedy provided under Section 101 of the Act of 2013 is referable to the acquisition made under the Act

of 2013. In the old enactment of 1894, there was no such provision available.

2] In the circumstances, the petition does not deserve to be entertained and the same is accordingly rejected. However, it would be open for the petitioner to avail of remedy available in law, if any.

(PUSHPA V. GANEDIWALA, J.)

(R. M. BORDE, J.)