

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2320 OF 2017

Rajesh Dyeing & Printing Works ... Petitioner

V/s.

The District Collector (Land Acquisition)
Mumbai Suburban District & Ors. ... Respondents

Ms.Prabha U. Badadare for the petitioner

Ms.Jyoti Chavan, A.G.P for the respondent nos.1 to 3, State

Mr.Abhinash Pradhan a/w Ms.Deepu Jojo i/b M/s.Wadia Ghandy and
Co. for the respondent no.6

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : APRIL 10, 2018

P.C. :

1 Heard the learned counsel for the parties.

2 By this petition under Article 227 of the Constitution of India, the Petitioner challenges the order dated 01.07.2017 passed by Deputy Collector (Land Acquisition) No.4, Mumbai Suburban District rejecting Petitioner's Application dated 29.08.2016 filed by them for reference under section 64 of the Right to Fair Compensation and Transparency

in Land Acquisition, Rehabilitation and Resettlement Act, 2013 read with section 18 of the Land Acquisition Act, 1894.

3 The learned A.G.P. for the Respondent filed affidavit dated 06.04.2018 duly affirmed by Medha Gadgil, Additional Chief Secretary, Government of Maharashtra, Mumbai stating that competent authority is already established under section 64 and same is situated at Old Secretariat, Divisional Commissioner Office, First Floor, G.P.O. Chowk, Civil Line, Nagpur 440001. She further submits that earlier presiding officer Yatin D. Shinde resigned by his letter dated 16.2.2018. She submits that they already forwarded letter to the High Court for recommendation of suitable name. Paragraph 3 and 4 of the said Affidavit-in-Reply reads thus:

“3. I further say and submit that the said Authority is located at Old Secretariat, Divisional Commissioner Office, First Floor, G.P.O. Chowk, Civil Line, Nagpur 440 001. The said Authority has been allotted Hall No.25 admeasuring 1490 square feet.

4. I say and submit that Shri Yatin D. Shinde, Presiding Officer of the “Land Acquisition, Rehabilitation and Resettlement Authority”, Nagpur has tendered his resignation from the said post citing personal reasons vide letter dated 16.02.2018. The resignation of the Presiding Officer, Shri Yatin D. Shinde has been accepted by the Revenue and Forest Department, Mantralaya, Mumbai. Therefore, the Law and Judiciary Department vide letter No.DAJ-1517/C.R.No.12/Desk.3 dated 16.03.2018 has requested the Hon.Registrar, Hon'Bombay High Court to recommend name of suitable and willing retired/serving District Judge for appointment to the post of Presiding Officer, Land Acquisition, Rehabilitation and Resettlement Authority, Nagpur. The copy of the said letter dated 16.03.2018 is annexed herewith and marked as Exhibit: “A”.

4 The learned counsel for the petitioner submits that in view of the affidavit in reply filed by the Respondent State, Writ Petition may be disposed of with liberty to the petitioner to file appropriate application under section 64(1) of the said Act with the Competent Authority within one month from today and same be decided by the authority on its own merits. Same is permitted. Hence, following order is passed:

- a) Liberty granted to the petitioner to approach the Competent Authority under section 64(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within 30 days from today.
- b) If application is filed within 30 days from today, appropriate authority to decide the same on its own merits.
- c) All contention of both the parties are kept open.
- d) Writ Petition stands disposed of with these directions.

Parties to act on authenticated copy of this order.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)