

IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.

CIVIL APPLICATION NO. 2305 OF 2019
IN
WRIT PETITION NO. 12645 OF 2018

Vishwas S/o Shrinivas Pendse and Anr. ...Applicants

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. C.K. Shinde, Advocate for Applicants
Mrs. A.V. Gondhalekar, Additional Government Pleader
for Respondent Nos. 1 to 5
Mr V.S. Bedre, Advocate for Respondent No. 6

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 8th FEBRUARY, 2019

ORAL ORDER:

1. Heard Mr. C.K. Shinde, the learned Counsel for the applicants. Mr. Shinde submits that the Award is passed in the year 1976 and the compensation is not paid to the petitioners. As such, the writ petition is filed for benefit of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. According to the learned Counsel, the issue involved in the present writ petition is already referred to the Larger Bench by the Apex Court.

3. The Apex Court in the said reference has passed the following order :-

12. Taking all this into consideration, we are of the opinion that it would be appropriate if in the interim and pending a final decision on making a reference (if at all) to a larger Bench, the High Courts be requested not to deal with any cases relating to the interpretation of or concerning Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Secretary General will urgently communicate this order to the Registrar General of every High Court so that our request is complied with.

13. Insofar as cases pending in this Court are concerned, we request the concerned Benches dealing with similar matters to defer the hearing until a decision is rendered one way or the other on the issue whether the matter should be referred to larger Bench or not. Apart from anything else, deferring the consideration would avoid inconvenience to the litigating parties, whether it is the State or individuals.

4. Perusal of the said order, it is manifest that the Apex Court has requested this Court not to deal with any cases relating to the interpretation of or concerning Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. Pursuant of the Award, the writ land is already allotted to

the present respondents. It is submitted that there is already decree passed in favour of the respondent No. 6. The applicants had filed an objection under Order 21 Rule 97 of the Code of Civil Procedure. The same is rejected. The applicants certainly have remedy of appeal against the same or can take up such proceedings against the same as permissible under the law.

6. However, considering the facts and circumstances of the present case, it would not be possible to consider the application as is filed.

7. The Civil Application is accordingly disposed of.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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