

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4197 OF 2014

SYED ABDUL GAFAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Shri Jaigude Sandeep V
AGP for Respondents: Shri Bhagat N.T.
Advocate for Respondents 5A to 5D : Shri Barhate Y.R.
Advocate for Respondent 7 : Shri Khandare N.B.
Advocate for Respondents 8 to 10 : Shri Deshpande R.D.
Advocate for Respondent 14 : Shri Kotka S.D.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 25, 2019

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PER COURT :-

1. Heard the learned Advocates for the respective sides.
2. In view of the law settled under Section 35 of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act ("the said Act"), respondent No.14, who is the real brother of the petitioners, has already preferred a substantive appeal challenging the same orders, which are impugned in this petition. These petitioners are already arrayed as the respondents before the Honourable Minister in the said appeal and they are supporting the said appellant.

3. It is further informed that the Honourable Minister has finally heard the said appeal sometime in April 2018 and orders are yet to be passed.

4. In view of the above, this petition is disposed off with the following directions:-

(A) All the litigating sides shall appear before the Honourable Minister on 11.3.2019 at 2.00 pm. Formal notices need not be issued.

(B) The Honourable Minister would consider the contentions of these three petitioners, who are united with their brother, who is the appellant.

(C) All contentions of the litigating sides are kept open and all are at liberty to conclude their oral submissions and also enter written notes of submissions, if desired, on/or before 15.4.2019.

(D) The Honourable Minister would thereafter deliver his order on/or before 29.6.2019 and shall keep copies of his judgment / order ready to be supplied to each of the litigating sides.

5. It is informed by the litigating sides that a dispute as regards apportionment of LAR compensation is subject matter of RCS No.976

of 2015 and LAR No.46 of 2016. Some applications for withdrawal of amounts are pending. Needless to state, the concerned Court would consider such applications for disbursing the compensation amount to the extent of the undisputed shares.

(RAVINDRA V. GHUGE, J.)

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