

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

919 WRIT PETITION NO.14660 OF 2019

**MANOJ CHAMPALAL JAIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

with

925 WRIT PETITION NO.14666 OF 2019

**INDUBAI MADHUKAR YEWLE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

with

929 WRIT PETITION NO.14676 OF 2019

**PRAKASH MADHUKAR YEWLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

with

937 WRIT PETITION NO.14686 OF 2019

**NITIN MADHUKAR YEWLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

with

938 WRIT PETITION NO.14687 OF 2019

**KANTILAL CHAMPALAL JAIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

with
WRIT PETITION NO.14711 OF 2019

JIVENDRA CHAMPALAL JAIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Kale Ajeet B.
AGP for Respondents/State : Mr. K.N. Lokhande
...

**CORAM : S.V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**
DATE : 05.12.2019

PC. :-

Mr. Kale the learned counsel for the petitioners submit that during the first and second joint measurement the trees were shown. The possession was taken in the year 2011. The third measurement was done in the year 2017. After the possession is taken the petitioners are not bound to preserve the trees. The land was in the custody of the respondents. The record is available about the trees. In the award the reference has been made of the said trees. According to the learned counsel though the references have been filed under Section 64 this Court can consider the grant of principal amount as was decided by the authority.

2. We could have certainly appreciated the contentions of Mr. Kale

learned advocate for the petitioners had the references under Section 64 of the Act of 2013 not been filed and pending.

3. As the petitioners had already filed the reference under Section 64 and the same is pending before the Competent Authority it would not be appropriate to consider the contentions in the present writ petition. The petitioners have the right to raise all these aspects on its own merits in the pending reference before the Competent Authority. Naturally, the Competent Authority would consider all these aspects of the matter while deciding the references under Section 64 of the Act of 2013.

4. With the aforesaid observations, the writ petitions stand disposed of.

[AVINASH G. GHAROTE, J.]

[S.V. GANGAPURWALA, J.]