

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

WRIT PETITION NO. 2439 OF 2020

**KAVITA RAMESH SURYAVANSHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr. Saeed S. Shaikh
AGP for Respondents: Mr. S. G. Karlekar

...

**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 10th FEBRUARY, 2020

PER COURT:

1. At the request of learned counsel for the petitioners, leave to delete name of respondent no. 4 and to allow him to prosecute by designation.

2. Leave granted.

3. The learned counsel for the petitioners submits that suit filed by the petitioners for partition and separate possession is decreed against respondent no. 5. Respondent no. 5 has filed an appeal. The judgment is stayed. The same is under consideration with the appellate Court.

The respondent has rejected the objection of the petitioner.

4. The learned Assistant Government Pleader submits that the petitioners have a remedy U/Sec. 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. Even, the Civil Court where the application was filed by the petitioners to restrain the respondent from withdrawing the amount has observed that the petitioners have remedy U/Sec. 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

6. In light of the above, as acquisition is said to be under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the petitioners may avail the remedy U/Sec. 64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement

Act, 2013, as is permissible in law. In that event, all contentions of the petitioners are kept open.

7. Writ Petition stands disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

marathe