

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

1002 WRIT PETITION NO.3193 OF 2021

MAROTI NAMDEV JADHAV
VERSUS
THE STATE OF MAHARASHTRA TR ITS SECRETARY AND OTHERS

Advocate for Petitioner : Mr Dhanure Bramhanand M.
AGP for Respondents State: Mrs P V. Diggikar

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

DATE : 5th March, 2021.

ORDER:

1. Heard Mr. Dhanure, the learned counsel for the petitioner.
2. The petitioner, it appears, has filed reference before the Collector under Section 18 of the Land Acquisition Act, 1894 thereby seeking Reference before the District Court. The matter was referred to the District Court by the S.D.O. The learned Civil Judge, Senior Division returned the said reference to the S.D.O. for presenting it before the Competent Authority.
3. The learned Civil Judge, Senior Division did not commit any error while passing the order dated 02.12.2019 in LAR No.107/ 2018 filed by the petitioner. In view of the enforcement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Civil Court would not have jurisdiction, more particularly when the award is passed after enforcement of the Right to Fair Compensation Act. The S.D.O. is required to refer the same to the Competent Authority as per section 64 of the Right to Fair Compensation Act.

4. In light of above, the authority shall act as per the order passed by the Civil Judge, Senior Division on 02.12.2019 in LAR No. 107/2018. the S.D.O. shall refer the Reference filed by the petitioner to the Competent Authority in accordance with the law. The same shall be done expeditiously.

5. Writ petition disposed of. no costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC