

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6315 OF 2021

Suresh Ramchandra Mirpuri
and others.

...Petitioners.

Versus

The State of Maharashtra & Others.

..Respondents.

Mr. Gaurav Potnis i/b Pallavi Potnis for the Petitioner.

Ms. M. S. Bane, AGP for the Respondent-State.

Mr. Jaideep Deo for Respondent No. 5.

Mr. Rajdeep S. Khadapkar for Respondent No. 4.

Mr. C. M. Korde, Senior Advocate with Mr. Rohan Surve and Kunal Naik for Respondent No. 6 and 7.

CORAM : PRASANNA B. VARALE &
S.M. MODAK, JJ.

Date : December 13, 2021.

P. C. :

1. Heard learned counsel appearing for the respective parties.
2. A very limited issue is raised in the present petition. The order passed by the Special Land Acquisition Officer and Sub Divisional Officer, Pune dated 28th June 2021 is under challenge. Perusal of said order shows that the proceeding was initiated for acquisition of subject land, namely, Survey No.75, situated in village Kotharud; the award was declared by the competent authority on 31st December 2020; the claims were lodged before the authority for receipt of compensation at the instance of Prakash Nathamal Baldota (Respondent No. 5 herein) on 12th

January 2021. Then objections were raised at the instance of Petitioner Nos.1 to 4 as well as Respondent Nos.6, 7 and 8. The competent authority issued notice to the Petitioners as well as to Respondent Nos.5 to 7; the hearing was also conducted. Perusal of the order further shows that apart from Prakash Nathamal Baldota, i.e., Respondent No.5, the objectors had also submitted their claims for compensation on raising the ground that they are interested parties.

3. We are of the opinion that the Special Land Acquisition Officer on the backdrop of above referred facts ought to have referred the claims to the competent authority under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and more particularly the recourse ought to have been taken to section 76 of the said Act. As the Special Land Acquisition Officer only referred to a provision of hearing in the order and without considering relevant provisions passed the order whereby it was directed to disburse the entire amount to the tune of Rs.1,69,60,974/- to Respondent No.5 – Prakash Baldota only. This being a serious error committed by the authority, we are of the opinion that the petition itself can be disposed of by granting the prayer clauses (a), (b) and (d). *Accordingly, the petition is disposed of in terms of prayer clauses (a), (b) and (d).*

4. It is admitted by learned counsel for Respondent No.5 that

the compensation amount is not disbursed in favour of Respondent No.5 till date.

5. Needless to state that this Court has not expressed any opinion on the merits of the matter and all contentions either raised in the petition or which will be raised before the competent authority are kept open for the decision on merits.

6. We further direct that if the competent authority is available for hearing references, the said authority shall make an endeavour to decide the present reference as expeditiously as possible.

[S. M. Modak, J.]

[Prasanna B. Varale, J.]