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

20 WRIT PETITION NO.5951 OF 2022

**BHARAT MADHAVRAO HERKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE CHIEF
SECRETARY AND OTHERS**

....

Mr S. N. Patil, Advocate for petitioners;
Mr A. R. Kale, A.G.P. for respondents/State
Mr S. P. Sonpawale, Advocate for respondent No.6

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 20th June, 2022

PER COURT:

1. The learned Advocate representing respondent No.6 tenders the affidavit-in-reply across the bar and points out paragraph Nos.4 and 5, which read as under :-

“4. The deponent say and submits that, some of the agriculturist filed petition no.14040 of 2018 before this Hon’ble High Court in that petition their prayer was made in respect of disbursement of compensation amount in some of the petition this Hon’ble High Court dispose of the petition with directions to the authority if the petitioners filed a representation that may be decided after hearing the parties in the present petition,

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petitioners already received compensation amount and the never claim interest before the Collector they directly filed the present petition which is premature their prayer cannot be considered at this stage.

5. *The deponent say and submits that, some of the petitioners in the present petition has filed Land Reference before the Collector and Collector has forwarded the said reference to the appropriate authority established under the New Act, 2013 in that also they did not raised question of interest u/sec. 38 and 80 of the said New Act. In that reference in column no.19 they have claim interest u/sec.80 under the said act, therefore, that authority will decide if the petitioners are entitled for the interest u/sec. 80 under the said act they cannot prey the interest by way of filing present petition therefore present petition is not maintainable deserves to be dismissed with cost. The copy of reference petition i.e. LAR no. 1140 of 2021 is annexed herewith and marked as **EXHIBIT 'R-1'.***

2. The learned Advocate for the petitioners, submits on instructions that, the petitioners desire to withdraw this petition and would pursue the prayer of seeking interest under Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

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in the L.A.R. case proceedings or by moving a separate application, if having not prayed in the L.A.R. proceedings.

3. In view of the above, this petition is disposed off, with liberty to the petitioners to pursue the remedy, as is permissible in law. Needless to state, the Competent Authority/L.A.R. Court, before whom this issue is pending, would decide the same on it's own merits.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk