

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 WRIT PETITION NO.8525 OF 2019

LAXMAN ASARAM KALASKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Tribhuwan Nitin T
AGP for the respondent – State : Mrs. Vaishali N.Patil-Jadhav
...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 3 AUGUST 2022

PC :

The petitioner is aggrieved by the alleged under-valuation of the fruit bearing trees standing on the land acquired under the Maharashtra Industrial Development Act, 1961 ('MIDC Act').

2. We have heard the learned advocates of both the sides.

3. Apart from the fact that the dispute involves the decision on disputed questions of facts inasmuch as the petitioner is claiming compensation at par with another farmer whose similar fruit bearing trees have been affected and a higher rate of compensation has been awarded. We find that since it is an acquisition proceeding under the MIDC Act, there is adequate remedy available to the petitioner under section 34 to seek a reference.

4. In the light of above, the writ petition is dismissed with liberty to the petitioner to avail of the appropriate remedy.

5. Time spent in prosecuting this petition may be considered under section 14 of the Limitation Act, 1963.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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