

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

59 WRIT PETITION NO.10148 OF 2022

NILESH RAMJI SONAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS DISTRICT COLLECTOR AND OTHERS

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Advocate for Petitioner : Mr. Choudhari N. L.
AGP for the respondent – State : Mrs. M.A. Deshpande
Advocate for the respondents nos. 4 and 5 : Mr. Vishnu B. Madan-Patil

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**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATE : 12 DECEMBER 2022

ORDER (MANGESH S. PATIL, J.) :

Heard. Rule. Rule is made returnable forthwith. With the consent of the parties, the petitioner is heard finally at the stage of admission.

2. The petitioner is aggrieved by a decision taken by the respondent – Land Acquisition Officer rejecting his request for apportionment of the compensation amount pursuant to the compromise decree obtained by them in Special Civil Suit no. 16 of 2020 dated 17-07-2020.

3. Considering the scheme of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (**Act of 2013**) and in view of the provisions contained in

Chapter IX regarding apportionment of compensation which contains section 75 providing for apportionment to be specified in the award as also section 76 which comprehends a situation where there is a dispute as to the apportionment of the amount of compensation or even the claim by a person to have compensation or part thereof, by way of reference to the authority constituted under the Act of 2013.

4. We have no manner of doubt that respondent – Land Acquisition Officer has exercised the jurisdiction which was not vested in him. Pursuant to the specific wordings of section 76, he ought to have made a reference to the authority, rather than deciding it himself.

5. We allow the writ petition, quash and set aside the order passed by the respondent no. 2 – Land Acquisition Officer and direct him to make a reference to the authority as contemplated under section 76 of the Act of 2013 as early as possible and in any event within two weeks from today. The authority shall pass appropriate order thereafter expeditiously and in any event within four weeks after receipt of the reference by taking note of the compromise decree passed by the civil court in Special Civil Suit no. 16 of 2020.

[Y. G. KHOBRAGADE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/