

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 622 OF 2022**

Smt. Nirmala Shridhar Mhatre

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

Mr.Ajit Ram Pitale for Petitioner.

Mr.Rajan S. Pawar, A.G.P for Respondent Nos.1 to 4 (State).

Ms.Akshaya K. Puthran i/b. S.K. Singh & Co. LLP for Respondent No.6.

***********CORAM : R. D. DHANUKA &
S. M. MODAK, JJ.****DATE : 10th FEBRUARY 2022.
(Through Video Conference)****PC. :-**

1. By this Petition filed under Article 226 of the Constitution of India, the Petitioner has impugned the Award dated 10th November 2021 passed by the Respondent No.4 under Section 23(a) of Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. The Petitioner claims to be tenant of the property acquired and subject matter of the award. The alleged tenancy rights of the Petitioner are still not adjudicated upon finally. In these circumstances, we are not inclined

to entertain the prayer for quashing and setting aside the Award dated 10th November 2021. Even otherwise we would not have entertained the prayer for quashing the award. No case is made out for an injunction restraining the Respondent No.5 not to part with compensation payable under the said Award.

3. Writ Petition is accordingly dismissed.

4. The Petitioner would be at liberty to file appropriate proceedings for share in the compensation against the landlords in the appropriate Court.

5. It is made clear that, this Court has not expressed any views on the merits of the claim of the Petitioner in the compensation.

6. All contentions of the landlord as well as parties, who would be impleaded as Defendants in the Suit, are kept open.

7. No Order as to costs.

[S. M. MODAK, J.]

[R. D. DHANUKA, J.]

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