

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1201 OF 2022

Abdul Azia Mahammud Sayed Fakih

(Since deceased through his LRs)

Vazir Begam Aziz Mahammud Sayed Fakih

(Since deceased through her LRs)

1 Tahera Mahammud Yousuf Hendade
and Ors.

.. Petitioners

Versus

Shripat Kathod Tambde

(Since deceased through his LRs)

1 Vasant Shripat Tambde and Ors.

.. Respondents

.....

Mr.Sanjay Patil, Advocate for the Petitioners.

Mr.Sandesh Patil i/b. Mr.Chintan Shaha, Advocate for Respondent
Nos. 1 to 3.

Mr.R.S. Pawar, AGP for the Respondent – State.

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**CORAM : NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.**

DATED : 11 October 2022.

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signed by
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PRAKASH
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P.C. :

The learned counsel for Respondents raised a preliminary
objection that the Petitioners have an alternate remedy under Section

64 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013, where the Petitioners can make a reference to the concerned authority.

2 Learned counsel for the Petitioner accepts and states that the Petitioners will approach the concerned authority and prays that the ad-interim order granted in this Petition be continued for some time to enable the Petitioners to approach the concerned authority. Considering the above submissions, and the fact that ad-interim order is operating since February 2022, while we dispose of the Petition, we continue the position under ad-interim order dated 23 February 2022, for a period of four weeks.

3 The contentions of the parties are kept open and continuation of ad-interim order will not be construed as reflection on the merits of the rival contentions.

4 Writ Petition is accordingly disposed of.

SHARMILA U. DESHMUKH, J.

NITIN JAMDAR, J.