

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6709 OF 2021

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Tikam Kachara Waghela

..... Petitioner

Vs.

Ld. Deputy Collector, Mumbai
and Ors.

..... Respondents

Mr.Priyanshu Mishra for the Petitioner

Mr.Arshu Mishra i/b Mr.M.V.Kini for the Respondent no.5

Mr.Bhushan Deshmukh a/w Mr.Abinash Pradhan and
Ms.Garima Agrawal i/b M/s.Wadia Ghandy and Co. for the
Respondent no.2

Mr.S.L.Babar, A.G.P. for the State

**CORAM: S.V.GANGAPURWALA &
VINAY JOSHI, JJ.**

DATED : MARCH 16, 2022

P.C.

. Heard.

2. The grievance of the petitioner is that the Petitioner has filed an application under section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The award was passed. The Petitioner claims to be an interested person. The Petitioner was not awarded compensation under the

award. The application filed by the petitioner under section 64, according to the Petitioner is not attended to. Same is not referred to the authority.

3. The learned counsel for the Respondent no.2 submits that the Petitioner does not have any iota of right over the property acquired and for which the award is passed. The Petitioner is a stranger. The learned counsel submits that some other persons are also claiming to be interested. They have also filed a Reference Application before this Court and this Court had directed them to file reference before the authority. The said reference is now pending with the authority. It is submitted that reference is in respect of same property which is involved in the award in the present matter.

4. In the light of that, the petitioner may either get himself impleaded in the reference pending with the competent authority and or approach the Collector to refer the same to the Authority and both the references can be decided together. The Collector shall refer the reference application filed by the petitioner under section 64 (page 45), to the authority. The said exercise shall be done preferably within six weeks from today. All contentions of both the parties are kept open.

5. Writ Petition stands disposed of. No order as to costs.

(VINAY JOSHI, J.)

(S.V.GANGAPURWALA, J.)