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

WRIT PETITION NO. 4538 OF 2019

Pandurang Namdeo Hagare & Anr.

... Petitioners

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. Kamlesh Mali for the Petitioners

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

Mr. Saurabh Butala a/w. Saiprasad Wadkar a/w. Harshad Sathe for
Respondent Nos. 6 and 7

***CORAM : S.V. GANGAPURWALA &
M.G. SEWLIKAR, JJ.***

DATE : 19 APRIL 2022

P.C. :-

The Petitioners seek directions against the Respondents to refer the dispute to the Competent Authority so also assails the order dated 27 October 2017 passed by the Respondent No.5.

2. We have heard the learned Counsel for the parties.

3. The dispute it appears is about the area of the property acquired of respective parties. According to the Petitioners, out of

8.5 R land acquired under the Award, 5R land of the Petitioners is affected whereas, Respondents 3.5R land is affected.

4. According to the learned Counsel for the Respondents, the entire land that is 8.5R acquired belongs to the Respondents.

5. In that scenario, the Petitioners can avail the remedy under Section 64 of Right to Fair Compensation and Transparency in Land Acquisition (Rehabilitation and Resettlement) Act, 2013. The Petitioners had filed an application but the same it appears is not properly worded and lacks contents and the necessary details.

6. In light of the above, we pass the following order :-

(i) The Petitioners shall file an application as required under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition (Rehabilitation and Resettlement) Act, 2013 to the Collector/concerned Authority. If the application of the Petitioners is complete in all respects as required under Section 64 of the Act 2013, then the Collector/concerned Authority shall refer the said application/dispute to the appropriate authority.

(ii) As contended by the learned Counsel for the Petitioners, the land admeasuring 5R of the Petitioners is

affected and the Respondents 3.5R only would be affected, we permit the Respondent Nos. 6 and 7 to jointly withdraw the amount of Rs.9,00,000/- along with accrued interest if any. The remaining amount i.e. Rs.14,89,817/- with the accrued interest, if any, be kept in fixed deposit. The said amount be disbursed in tune with the decision that would be taken by the appropriate authority on the application filed by the Petitioners u/s. 64 of the Act 2013.

(iii) The Petitioners shall file their application under Section 64 of the Act 2013 to the Collector/concerned Authority within four weeks from today.

(iv) On receipt of the said application, the Collector/concerned Authority shall refer it to the appropriate authority within six weeks thereafter.

7. Writ Petition is disposed of. No costs.

(M.G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)

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PAWAR

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