

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION [CAF] NO.1643 OF 2021

IN

FIRST APPEAL NO.460 OF 2021

[Madhukar Motiram Pote .vs. State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Priyanka Mane, Advocate holding for Shri R.D. Bawiskar and Shri R.L. Kadu, Advocates for applicant-appellant,
Shri M.A. Kadu, Advocate for respondent nos.3.

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CORAM : SMT. M.S. JAWALKAR, J.

DATE : 08/09/2022.

Heard.

2. This appeal is filed by the claimant seeking enhanced compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short the "Act of 2013"). However, there appears to be an office objection that appellant has not deposited the amount of court fee on the claim made in the appeal.

3. As a sequel of the above, the present application is taken out based on orders of this Court and also at Aurangabad Bench passed on 28.04.2021 in First Appeal (ST) No. 639/2021 and Writ Petition No.4043/2019 on 29.03.2019 at Aurangabad Bench.

4. Vide both these orders, the directions to pay court fee came to be stayed principally with an observation that the Authority dealing with the claim for enhanced compensation under the Act of 2013 prima facie appears to be not empowered with the power of a Court so as to make the provisions of the Maharashtra Court Fees Act applicable to the proceedings.

5. In bunch of writ petitions at Aurangabad Bench i.e. Writ Petition No. 6334/2020 with connected matters decided on 16.12.2021 by the Division Bench categorical findings recorded in paragraph no.58 that the provisions of the Maharashtra Court Fees Act are very much applicable to the proceedings under Section 65 of the Act of 2013 i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. In that view of the matter, since issue is no more *res integra*, the civil application stands rejected.

7. It is directed that appellant must deposit court fees within a period of twelve weeks from today, failing which, the appeal shall stand dismissed without further reference to the Court.