

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

WRIT PETITION NO. 4497 OF 2022

Ashabai W/o. Bhagwan Shingote

..VS..

State of Maharashtra & others

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

Court's or Judge's orders

Mr. H.R. Gadhia, Advocate for petitioner.
Mr. N.S. Rao, A.G.P. for respondent Nos.1 to 3.
Mr. N.B. Kalwaghe, Advocate for respondent Nos.4 to 7.

CORAM : SUNIL B. SHUKRE AND
VALMIKI SA MENEZES, JJ.

DATED : 05.09.2022

Heard.

2. In this petition, the petitioner has sought the relief of reference of the dispute regarding apportionment of compensation to the competent authority in terms of the provisions made in Section 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "the Act of 2013"). Further prayer is about issuance of direction to respondent Nos.1 and 2 to deposit the amount for compensation to be paid for acquisition of land in question in Court.

3. We are of the considered view that both these prayers cannot be granted by this Court as granting these prayers would result in taking away of the discretion conferred upon the Authorities under Section 76 of the

Act of 2013. At the most, this Court could issue a direction to the Authorities to decide the application of the petitioner under Section 76 of the Act of 2013, in accordance with law and in a time-bound manner.

4. Learned counsel for the petitioner now prays for issuance of such a direction. However, he submits that interim relief to the effect that the amount of compensation be not disbursed to the alleged owners be also granted. We are not in favour of granting the prayer for interim relief for the same reason as stated earlier. However, we are inclined to issue a direction for taking an appropriate decision in a time bound manner.

5. Accordingly, we direct the respondent No.1 to decide the application of the petitioner under Section 76 of the Act of 2013, in accordance with law, as expeditiously as possible and preferably within a period of six weeks' from the date of receipt of the order.

6. Learned counsel for the petitioner makes a request for extension of the interim relief granted by this Court. The prayer is rejected and the interim relief granted earlier is vacated.

7. The Writ Petition is disposed of accordingly. No costs