

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO.8485 OF 2023**

**INDIRA PANDURANG MARATHE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY  
IRRIGATION DEPARTMENT AND OTHERS**

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Mr. A. B. Kale, Advocate for Petitioners  
Mr. S. B. Yawalkar, AGP for Respondent - State

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**CORAM : RAVINDRA V. GHUGE AND  
Y. G. KHOBRAGADE, JJ.**

**DATE : 24.07.2023**

**PER COURT :-**

1. We have considered the submissions of the learned Advocates for the respective sides. With their assistance, we have gone through the petition paper-book and perused the record. We have seen the additional photographs tendered by the learned Advocate for the Petitioners.

2. The learned AGP submits, in the light of Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 (for short, 'the Act of 2013') that, if the Petitioners are not accepting the award for not

being to their satisfaction as regards the non-payment of the compensation for the fruit bearing trees, all these grounds can be raised by the Petitioners under Section 64 of the Act of 2013 and the Collector would thereafter refer the matter to the appropriate authority in view of the first proviso below Section 64 (1) the Act of 2013.

3. In view of the above, **this petition is disposed off** with liberty to the Petitioners to make an application under Section 64 of the Act of 2013, listing out each of their grievances with adequate materials/documents on which they intend to place reliance.

4. The Collector shall consider the said documents and in terms of the first proviso, initiate steps as are expected in law.

[ Y. G. KHOBRADE, J. ]

[ RAVINDRA V. GHUGE, J. ]

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