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

35 WRIT PETITION NO.9181 OF 2023

**MOHOMMAD AKRAM SH HASHAM MOMIN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

....

Mr A. B. Kale, Advocate for Petitioners;
Mr P. K. Lakhotiya, A.G.P. for Respondents/State

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

DATE : 31st July, 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 A.G.P. submits in the light of Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation 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

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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) of 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 material/documents, on which they intend to place reliance.

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

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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