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

WRIT PETITION NO. 1932 OF 2023

Avenue Supermarts Limited ... Petitioner

vs.

Administration of Daman & Diu (U.T) & ... Respondents
Ors

Dr. Milind Sathe, Senior Advocate, i/b Mr J.G. Reddy a/w Ms. Ashwini Jadhav, for the Petitioner.

Mr. Ayush Kedia, i/b H.S. Venegaonkar, for the Respondents-
UOI.

**CORAM : R. D. DHANUKA AND
GAURI GODSE, JJ.**

DATED : 20 MARCH, 2023

P.C. :-

1. This matter was on board on various occasions. On 9th March 2023, this Court recorded, the statement made by learned Senior Counsel for the Petitioner that the structure constructed on Plot No.2, bearing Survey No. 752, Hissa No.1/1 at Near JKT/Rainbow Synthetics, Kalaria Circle, Mahatma Gandhi Marg, Kalaria, Nani Daman, Daman, is returned and the commercial plot is not forming part of the impugned Award dated 14th March 2022.

2. Respondents are threatening the Petitioner to demolish the said structure for road widening. This Court directed that the learned Counsel for the Respondent to take instructions whether the Petitioner can be permitted to shift those

structures inside, unaffected by acquisition and whether such permission can be granted to the Petitioner, if any permission is required to shift such structures on the existing plot. This Court also granted liberty to pray for enhancement of the claim of compensation awarded and also for the affected structures referred to aforesaid, under Section 64 of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013.

3. Petitioner thereafter made an application in this regard to Respondent No.1 on 13th March 2023 and the matter was adjourned to enable the learned counsel for Respondent to take instructions whether assistance can be provided to the Petitioner for shifting of these amenities on the existing plot of the Petitioner and whether permission can be granted or not. Learned Counsel for the Respondent on instruction states that the Respondents have granted permission to shift the said amenities on the existing plot of the Petitioner.

4. Dr. Sathe, learned Senior Advocate for the Petitioner states that in view of the permission granted by the Respondent to shift those amenities on the existing plot of the Petitioner, Petitioner will shift those amenities within six weeks from today. Statement is accepted. Copy of communication for grant of permission shall be served upon the Petitioner during the course of the day. Dr Sathe, learned Senior Advocate for the Petitioner tendered a copy of representation made under Section 64 of the Right to Fair Compensation & Transparency in Land Acquisition,

Rehabilitation & Resettlement Act, 2013 made to the Collector for enhancement of the compensation. The Competent Authority to consider the said representation under Section 64 of the said Act and to pass appropriate order in accordance with law expeditiously.

5. Writ Petition is disposed of in the aforesaid terms. No orders as to costs.

6. Interim order granted by this court to continue for a period of six weeks.

7. Parties to act on the authenticated copy of this order being issued by the registry.

(GAURI GODSE, J.)

(R. D. DHANUKA, J.)