



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

919 WRIT PETITION NO. 11321 OF 2019

Karbhari Genu Bhaldand Through Lrs Maruti Karbhari Bhaldand  
And Others

VERSUS

The State Of Maharashtra And Others

...

Advocates for the Petitioners : Mr. R.R. Karpe & Mr. R.A. Tambe  
AGP for Respondents: Mr. P.S. Patil

...

CORAM : DEVENDRA KUMAR UPADHYAYA, C.J. &  
ARUN R. PEDNEKER, J.

Dated : February 09, 2024

P. C. :-

1. Heard the learned counsel for the petitioners and the learned Additional Government Pleader representing the respondents.

2. By means of this writ petition, instituted under Article 226 of the Constitution of India, the petitioner is restricting his prayer to issue direction to respondent No. 2 to decide the representation, said to have been made by the petitioner for grant of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013 and further to take steps for payment of enhanced compensation.

3. Admittedly, the land belonged to the petitioner was

acquired under the old enactment i.e. Land Acquisition Act, 1894. The notifications under sections 4 and 6 were also issued and thereafter, the possession of the land was also taken and award was also declared. A reference proceedings under section 18 of the said Act were also carried on and now the prayer has been made by the petitioner, alleging their entitlement, seeking compensation under the 2013 Enactment. Once the entire acquisition proceeding had taken place under the Land Acquisition Act, 1894, merely because a proceedings under section 18 of the said Act is pending on the date of listing, the later enactment i.e. of 2013 introduced cannot be invoked or ground for conferment of any such right as has been admittedly espoused by the petitioner in this petition. Even otherwise the representation in respect of which the petitioner sought directions to be issued by this Court is non statutory. In other words, no statutory mechanism is available for taking any such decision. For the reasons aforesaid, we are not convinced with the grounds taken in the writ petition.

3. Writ petition is, thus, dismissed.

( ARUN R. PEDNEKER, J. )

( CHIEF JUSTICE )

ssc/