

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.678 OF 2024

Solapur Municipal Corporation

.. Petitioner

Versus

State of Maharashtra and Ors.

.. Respondents

.....

- Mr. Abhay Patki, Advocate for Petitioner.
- Ms. V. S. Nimbalkar, AGP for Respondent Nos.1 and 2.
- Mr. Pradeep Salgar, Advocate for Respondent No.3.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 19, 2024

P.C.:

1. Heard Mr. Patki, learned Advocate for Petitioner, Ms. Nimbalkar, learned AGP for Respondent Nos.1 and 2 and Mr. Salgar, learned Advocate for Respondent No.3.

2. Issue involved in the present Writ Petition pertains to hearing and determination of the Reference Application before the District Court.

3. The Acquiring Body who is non applicant before the District Court filed an application requesting transfer of the reference proceedings to the Statutory Competent Authority established under Section 51 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the said Act').

4. Considering that the acquisition was initiated prior to coming into force of above Act and the Award passed under the said Act, it is argued by Respondents that the Authority to adjudicate and determine the Reference would lie with the District Court.

5. This Court has already heard a bunch of Petitions with respect to the aforementioned issue. The decision shall be rendered in due course. In that view of the matter, the learned District Court is directed by this Court not to proceed further with the hearing in Land Acquisition Reference No.05 of 2016 before itself and await the order of this Court in the bunch of Land Acquisition References which are reserved for order which shall ultimately cover the issue in the present case as also the order in the present Petition.

6. Mr. Salgar would like to file Affidavit-in-Reply which shall be filed within a period of four weeks from today.

7. Stand over to **16th February, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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