



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5585 OF 2024

Mahendra S/o Ganeshrao Bharsakale, Rudhana, Tah. Sangrampur, Dist. Buldhana

-VS-

The Land Acquisition, Rehabilitation and Resettlement Authority, Nagpur and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri N. B. Kalwaghe, Advocate for petitioner.

Shri J. Y. Ghurde, Assistant Government Pleader for respondent Nos.1 to 3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : September 20, 2024

1. We have heard Shri N. B. Kalwaghe, learned counsel appearing for the petitioner on the Scheme under Section 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act of 2013').

2. Shri Kalwaghe is justified in claiming that provisions of Section 76 are *pari materia* with that of Section 30 of the Land Acquisition Act, 1894 and in such an eventuality, while referring the objections as is provided under Section 76, it is mandatory for the Collector to apply his mind as has been laid down by this Court in the matter of *Sayed Mohamed Shah Abdul Hamid Kadri vs. State of Maharashtra and anr.* 2005(4) Mh.L.J. 1060.

3. As far as issuance of impugned communication by the Registrar of the Land Acquisition Authority constituted so as to deal with the objections received under Section 76 of the Act of 2013 is concerned, we permit the petitioner to apprise the said Authority/Tribunal about

the aforesaid law laid down in the matter of *Sayed Mohamed Shah Abdul Hamid Kadri* (supra).

4. We expect the Presiding Officer of the Tribunal to take note of the same and issue appropriate clarification to the communication dated 12/08/2024 under the signature of the Registrar of the said Authority.

5. Let aforesaid exercise be completed within a period of two weeks from the date of production of copy of this order before the said Authority.

6. As far as merits of the present case is concerned, the counsel for the petitioner on instructions prays for withdrawal of the petition so as to enable him to contest the claim before the appropriate Authority constituted for dealing with the claims made under Section 76 of the Act of 2013.

7. The writ petition is permitted to be withdrawn with liberty as prayed.

8. Writ Petition is disposed of accordingly. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)