



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1004 WRIT PETITION NO.9187 OF 2025

BHAGWAN IRVANTRAO VIBHUTE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND OTHERS

...

AND

1014 WRIT PETITION NO. 9197 OF 2025

RADHABAI SAYALU SHIMPI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND OTHERS

...

AND

1035 WRIT PETITION NO.9220 OF 2025

SHESHERAO MADHAVRAO VANOLE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. S.S. Thombre
Govt. Pleader for Respondents: Mr. A.B. Girase

...

CORAM : MANISH PITALE &
Y. G. KHOBRAGADE, JJ.

DATE : 25.07.2025

PER COURT:

1. The learned counsel appearing for the petitioners in these writ petitions relies upon an order dated 19.03.2025 passed by a division bench of this Court, particularly Para '7' thereof, to contend that identical relief

can be granted to the petitioners herein.

2. The grievance of the petitioners is that they have been deprived of interest payable in terms of Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (the Act), and that it has not been properly computed.

3. We find that the said issue could certainly be raised in the statutory challenges provided under the said Act, including Sections 64 and 74 thereof. Section 74 of the said Act provides for a substantive first appeal to this Court, which is obviously an appeal on facts as well as law. Some of the petitioners herein have admittedly filed such appeals under Section 74 of the Act before this Court, and they are pending, along with applications for condonation of delay, while other petitioners have not even preferred such appeals under Section 74 of the said Act.

4. In this situation, a question arises as to whether this Court should entertain these writ petitions under Article 226 of the Constitution of India, apparently for an innocuous direction to the respondents to calculate interest under Section 80 of the said Act and, if aggrieved, to avail of remedy that may be permissible in law. The substantive statutory challenge available under Section 74 of the aforesaid Act would stand ignored if such writ petitions are entertained, and further writ petitions may arise as a consequence. This may have the effect to creating a

parallel set of challenges despite the aforesaid statutory challenges available to the aggrieved persons.

5. It is significant to note that there are individuals, including some of the petitioners herein, who have chosen the route of the statutory challenge under the aforesaid Act and yet such writ petitions are being filed under Article 226 of the Constitution of India.

6. We are of the prima facie opinion that the petitioners who have already filed substantive appeals under Section 74 of the said Act, which are pending before this Court, could have easily filed civil applications therein to raise the issue that is sought to be raised in these petitions. The said appeals, being substantive appeals on facts as well as law, are the correct forum for raising such grievances which necessarily involve disputed questions of facts. The petitioners who have chosen not to file appeals could still file such substantive appeals under Section 74 of the said Act if this is the only issue with which they are aggrieved in respect of the orders passed by the reference court.

7. These issues need to be thrashed out before any effective order can be passed in these writ petitions.

8. At this stage, learned counsel appearing for the petitioners, on instructions, makes a statement that this Court may consider granting permission to the petitioners to withdraw these petitions and grant liberty to those petitioners who have already filed substantive appeals under Section 74 of the said Act to move appropriate civil applications for the

issues sought to be raised in these writ petitions and as regards those petitioners who have not yet filed such appeals, their statement may be recorded that they intend to file appeals under Section 74 of the said Act along with applications for condonation of delay.

9. In view of the above, these petitions are permitted to be withdrawn with liberty as aforesaid. If the petitioners avail of such liberty, to file civil applications in appeals already filed and others file appeals, the concerned court will pass appropriate orders in accordance with law.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)