

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 404 OF 2025

Ramchandra Namdev Vhanmane & Anr ...Petitioner

*Versus*

The State of Maharashtra ...Respondent

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Mr Mahesh Rawool a/w Mr Sachin Gawade, for the Petitioner.

Ms V R Raje, AGP for the Respondent.

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CORAM M.S. Sonak &  
Jitendra Jain, JJ.

DATED: 4 April 2025

PC:-

1. The learned counsel for the petitioner submits that after this petition was instituted, the reference has been made.
2. Learned counsel for the petitioner submits that there is a suit for partition pending between the parties and therefore, reference should have been made to the Civil Court where the dispute of the partition is already pending.
3. Learned counsel for the parties dispute as to whether this reference is under Section 64 or 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (2013 Act).
4. Irrespective of whether the reference is under Section 64 or 76, the same has to be made to the 'Authority' as provided

under both the provisions. There is no question of making a reference to the Civil Court.

5. Learned counsel for the petitioner now states that we should clarify that all the contention of all parties should be left open to be raised before the Authority. We clarify that all contentions of all parties are left open to be raised before the Authority. The Authority shall dispose of the reference in accordance with law and we clarify that we have not examined rival contentions and issues regards enhancement or apportionment.

6. The Petition is disposed of in the above terms without any cost order.

**(Jitendra Jain, J)**

**(M.S. Sonak, J)**