

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

FIRST APPEAL ST. NO.7797 OF 2022

[Smt. Lilabai Gokulsing Jadhav and others vs. The State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Y.P. Kaslikar, Advocate for the appellants,
Ms. H.N. Jaipurkar, AGP for respondent no.1.
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Coram : Smt. M.S. Jawalkar, J.

Dated : 01.08.2022

There a Pursis St. No.01/2022 filed by the Assistant Government Pleader, whereby it is pointed out that the appellant has remedy to file the dispute with the District Judge in view of amendment to Section 35 of the Maharashtra Industrial Development Act, 1961. The said provision i.e. Section 35 of the Maharashtra Industrial Development Act, 1961 is amended by substituting the word "Court" by word "Authority". In spite of repeated directions, the learned Assistant Government Pleader has failed to point out which is the authority under the law who can entertain the appeal for disputes in regard to apportionment of compensation. Section 35 of the Act relates with the disputes in respect of apportionment of compensation.

The learned counsel for the appellants seeks permission to convert the said First Appeal into Writ

Petition by filing Pursis to that effect bearing No.03/2022.

I am satisfied that the apportionment cannot be treated as Award, therefore, appellants left with no alternative but to convert First Appeal into Writ Petition.

The learned Assistant Government Pleader failed to give who is the designated authority for such grievance.

Appellants are permitted to convert First Appeal into Writ Petition. They may file fresh amended copy for converting First Appeal into Writ Petition.

[Smt. M.S. Jawalkar, J.]