



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

WRIT PETITION NO. 3653 OF 2024

(Milind Vithal Chikhale and others ..vs.. Union of India 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. C.B. Dharmadhikari, Counsel for the petitioners.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 02-07-2024

Heard.

2. Drawing support from the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Removal of Difficulties) Order, 2015, it is claimed that the determination of compensation has to be done in accordance with the First Schedule, the rehabilitation and resettlement in accordance with the Second Schedule and infrastructure and amenities in accordance with the Third Schedule which is said to be applied to the land acquired under the enactments specified in the Fourth Schedule to the Act. Our attention is invited to the Fourth Schedule wherein an entry can be noticed of the Coal Bearing Areas (Acquisition and Development) Act, 1957 at Sr.No.11.

3. It is claimed by the learned Counsel appearing for the petitioners that in such an eventuality, the compensation has to be determined as per the Right to

Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and not under the Coal Bearing Areas (Acquisition and Development) Act, 1957. He would claim that the aforesaid issue is already clarified by the Government of India, Ministry vide communication dated 04-8-2017.

4. In this background, issue notice to the respondents, returnable on 30-7-2024.

5. Mr. N. Deshpande, learned Deputy Solicitor General of India waives service for respondent No.1.

6. Mr. N.S. Rao, learned Assistant Government Pleader waives service for respondent No.2.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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