

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3199 OF 2015

Shri. Laxman Jhimaji Bhutal and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Prashant Bhavake, for the Petitioners.

Mr. V. S. Gokhale, AGP for the Respondents.

**CORAM : A.S. OKA & G.S. PATEL, JJ
DATED : 19TH NOVEMBER 2015**

PC.

1. Heard the Learned Counsel appearing for the Petitioners and the learned AGP for the Respondents. Admittedly, an application made by the Petitioners under Sub-Section (1) of Section 48 of the Land Acquisition Act, 1894 (For short “the said Act”) is pending before the Divisional Commissioner at Pune. The application for interim relief made therein is also pending.

2. The challenges in this Petition have been also incorporated in the pending Application before the Divisional Commissioner. Hence, the challenge to the acquisition need not be considered in this Petition. Therefore, we pass the following order.

ORDER

I) We direct the Petitioners to appear before the Divisional Commissioner at Pune on Monday 14th December 2015 at 11.00 a.m. The Petitioner shall produce a true copy of the application made under Sub-Section (1) of Section 48 of the said Act as well as the application for interim relief made therein alongwith an authenticated copy of this order before the Divisional Commissioner;

II) The Divisional Commissioner shall decide the application made under Sub-Section (1) of Section 48 of the said Act as expeditiously as possible and preferably within a period of six months from the date fixed for appearance of the Petitioners;

III) Till the disposal of the application before the Divisional Commissioner, ad-interim relief granted in this Petition shall continue to operate.

IV) The Writ Petition is disposed of in the above terms.

V) All contentions on merits are kept open.

(G.S. PATEL, J)

(A.S. OKA, J)