

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7773 OF 2014

Shri Vasant Mahadeo Londhe. .. Petitioner

Vs

The State of Maharashtra and Others. . Respondents

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Shri G.N. Salunke with Shri Umesh Kurund for the Petitioner.

Shri V.S. Gokhale, AGP for Respondent Nos.1 to 3.

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CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ
DATED : 10TH JULY 2015

P.C.

. Heard the learned counsel appearing for the Petitioner and the learned AGP for the First to Third Respondents.

2. This Petition is covered by the order dated 29th January 2014 passed by this Court in writ Petition No.7048 of 2013 as the facts are more or less identical.

3. For the reasons recorded in the order dated 29th January 2014, the Petition is disposed of by passing the following order:

ORDER :

(a) The impugned order dated 7th December 2012 is quashed and set aside. The Application made by the

Petitioner under Sub-section (1) of Section 28A of the Land Acquisition Act, 1894 is restored to the file of the 2nd Respondent;

- (b) We direct the Petitioner to appear before the concerned Land Acquisition Officer before whom the Application was filed, on 3rd August 2015 at 11.00 a.m. The Petitioner shall produce an authenticated copy of this order. If the Petitioner has not produced the certified copy of the judgment and award in Land Acquisition Reference No.541 of 2002, it will be open for the Petitioner to produce the same within a period of six weeks from today;
- (c) We make it clear that the concerned Land Acquisition Officer shall not insist on compliance with any of the requirements set out in the impugned order dated 7th December 2012, save and except the requirement of production of the certified copy of the judgment and award as aforesaid;
- (d) If the Application made by the Petitioner is otherwise maintainable, the Land Acquisition Officer shall

proceed to hold an enquiry, in accordance with law,
after issuing notice to the acquiring body;

- (e) The Land Acquisition Officer shall endeavour to dispose of the pending Application as expeditiously as possible and preferably within a period of six months from the date fixed for appearance of the Petitioner;
- (f) All the contentions of the parties in the Application are kept open;
- (g) The Petition is disposed of on above terms.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)