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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2408 OF 2014

Mrs.Kusum Sunil Meher ...Petitioner
vs.
The Special Land Acquisition
Officer and another ...Respondents

Mr.Anand S. Kulkarni i/b Mr.Sachin Punde for the
Petitioner
Mr.V.S.Gokhale, AGP for the respondent Nos.1 and 2.

CORAM : A.S.OKA, &
REVATI MOHITE DERE, JJ.
DATE : JULY 13, 2015

P.C.:

1 Heard the learned counsel for the petitioner and the learned AGP for the respondents. The grievance in this petition under Article 226 of the Constitution of India is that the application made by the petitioner under sub-section (1) of section 28-A of the Land Acquisition Act, 1894 is kept pending from 9th July 2013 without passing any order thereon.

2 By the said application, the petitioner has sought re-determination of the compensation on the basis of the Judgment and Award made by the Reference Court in Land Acquisition Reference No.579 of 2000.

3 It is pointed out that an appeal preferred by the State Government against the Award made in the

L.A.R.No.579/2000 is pending in this Court.

4 Therefore, in view of the law laid down by the Apex Court in paragraph 40 of its decision in the case of Ran Singh Vs. State of Uttar Pradesh and another [(2009) 1 SCC 754], the Collector is well within his powers to keep the application under section 28-A of the Land Acquisition Act, 1894 pending till the disposal of the appeal.

5 Hence, we dispose of the petition by passing the following order:

(I) Pending application made by the petitioner under sub-section (1) of section 28-A of the Land Acquisition Act, 1894 (Exhibit-B to the petition) shall be disposed of as expeditiously as possible and preferably within a period of six months from the date of which the appeal preferred by the State Government for challenging the Award made in L.A.R.No.579/2000 is disposed of.

(REVATI MOHITE DERE, J.)

(A.S.OKA, J.)