

sbw

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

WRIT PETITION NO.1254 OF 2015

M/s. Devi Construction Company	..Petitioner
-Versus-	
The State of Maharashtra & Ors.	..Respondents

.....

Mr. Rompal S. Kohli for the Petitioner.
Mr. V. P. Malvankar, AGP, 'A' Panel for the Respondent-State.

.....

**CORAM: A. S. OKA
AND
A. P. BHANGALE, JJ.**

DATE :- 19th MARCH, 2015.

PC.:

Heard learned counsel appearing for the Petitioner. The Petitioner through his Advocate made a representation/application to the Divisional Commissioner, Pune Division, Pune on 31st December, 2014 requesting the Divisional Commissioner to release the land claimed by the Petitioner from acquisition in exercise of powers under sub-section(1) of section 48 of the Land Acquisition Act, 1894 (for short "the said Act"). The grievance is that no decision has been taken on the said application. It is contended that an award has been made, but the possession of the acquired land is not yet taken over. Learned AGP has no instructions on the status of the

application as well as on the issue whether the Petitioner is still in possession.

2] Hence, we dispose of the Petition by passing the following order:-

(i) We direct the Petitioner or his authorised representative to appear before the Divisional Commissioner, Pune Division, Pune on 6th April, 2015 at 11.00 a.m.. The Petitioner shall produce an authenticated copy of this order as well as a true copy of representation/application dated 31st December, 2014;

(ii) If the said application is still pending, the Divisional Commissioner shall decide the same as expeditiously as possible and preferably within a period of two months from the date fixed for appearance of the Petitioner. It is obvious that the application will be decided on merits only if the possession of the acquired land has not been taken over from the Petitioner;

(iii) All contentions on merits of the pending application are kept open;

(iv) The Petition is disposed of on above terms.

(v) All concerned to act upon an authenticated copy of this order.

(A. P. BHANGALE,J.)

(A. S. OKA, J.)