

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3328 OF 2014

Pandharinath Parsuram Keni and Others. .. Petitioners
Vs
The Special Land Acquisition Officer and Anr. .. Respondents
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Shri Sachin S. Punde for the Petitioners.
Shri V.S. Gokhale, AGP for the Respondents.
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CORAM : A.S. OKA &
VLACHLIYA, JJ
DATED : 12TH OCTOBER 2015

P.C.

. Heard the learned counsel appearing for the Petitioners and the learned AGP for the Respondents.

2. On 23rd April 2013, the Petitioners made an Application under Sub-Section (1) of Section 28A of the Land Acquisition Act, 1894 to the first Respondent. The application was made for re-determination of the compensation on the basis of the judgment and award dated 26th February 2013 in Land Acquisition Reference No.445 of 2000 decided by the learned Civil Judge, Senior Division, Raigad at Alibag. The grievance made in this Petition under Article 226 of the Constitution of India is that the said Application is kept pending for a long time. However, neither the learned counsel for the Petitioners nor the learned AGP for the Respondents are aware as to whether any Appeal was

preferred against the aforesaid judgment and award and whether the same is pending.

3. Hence, we dispose of the Petition by passing the following order:

ORDER :

- (a) We direct the Petitioners or their authorized representative to appear before the First Respondent on Monday the 26th October 2015 at 11.00 a.m.;
- (b) The Petitioners shall produce an authenticated copy of this order as well as a true copy of the Application made on 23rd April 2013;
- (c) The First Respondent shall ascertain whether any Appeal has been preferred against the judgment and award dated 26th February 2013 in Land Acquisition Reference No.445 of 2000. If there is no such Appeal preferred or the Appeal is preferred and is already disposed of, the pending Application made under Sub-Section (1) of Section 28A of the Land Acquisition Act, 1894 shall be decided within a period of six months from 26th October 2015;

- (d) If the First Respondent finds that the Appeal against the said judgment and award is pending, the Application made by the Petitioners shall be kept pending till the disposal of the said Appeal. The application shall be decided within a period of six months from the date on which a copy of the judgment in the Appeal is received by him;
- (e) We make it clear that we have not made any adjudication on the issue of maintainability of the Application made by the Petitioners on 23rd April 2013 and all the issues regarding the same are kept open;
- (f) The Petition is disposed of on above terms;
- (g) All parties to act upon an authenticated copy of this order.

(V.L. ACHLIYA, J)

(A.S. OKA, J)