

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6419 OF 2014**

Badrinath Narayan Mhatre & An.	...Petitioners
<i>Versus</i>	
The Special Land Acquisition Officer, Metro Centre, Uran & Anr.	...Respondents

Mr. Sachin Suryakant Punde, for the Petitioners.
Mrs. M. P. Thakur, AGP, for the Respondents Nos. 1 and 2.

**CORAM: A.S. OKA & G.S. PATEL, JJ.
DATED: 16th November 2015**

PC:-

1. Heard learned counsel appearing for the Petitioners and learned AGP for the Respondents. The only grievance made in this Petition under Article 226 of the Constitution of India is about the failure of the 1st Respondent to decide the application made by the Petitioners under sub-section 1 of Section 28A of the Land Acquisition Act, 1894 (for short 'the said Act'). By the said application (Exhibit "B" to the Petition), the Petitioners prayed for redetermination of compensation on the basis of the Judgment and Award dated 13th May 2013 in Land Acquisition Reference No. 383 of 2000 decided by the Reference Court.

2. The learned counsel appearing for the Petitioners, on instructions, states that First Appeal No. 1335 of 2014 has been preferred by the State Government against the said Judgment and Award dated 13th May 2013 and same is pending in this Court for final disposal. In view of this statement, the application at Exhibit “B” will have to be kept pending till the Appeal is finally decided.

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

- (a) The application (Exhibit “B” to the Petition) shall be kept pending till the final disposal of First Appeal No. 1335 of 2014.
- (b) After the aforesaid Appeal is disposed of, the Petitioners shall produce an authenticated copy of the judgment in the Appeal before the 1st Respondent.
- (c) The pending application at Exhibit “B” shall be decided in accordance with law within a period of six months from the date on which an authenticated copy of the Judgment in Appeal is produced by the Appellants.
- (d) All contentions on merits of the pending application including the issue of limitation are kept open.

4. The Petition is disposed of on above terms.

(G. S. PATEL, J.)

(A.S. OKA, J.)