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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.528 OF 2008

Ahamadmiya Mohammad Ismail Pate
and others ...Petitioners
vs.
The State of Maharashtra & Ors. ...Respondents

None for the Petitioners
Mr.V.S.Gokhale, AGP for the respondent Nos.1 to 4.

CORAM : A.S.OKA, &
V.L.ACHLIYA, JJ.
DATE : SEPTEMBER 9, 2015

ORAL JUDGMENT: (Per A.S.OKA,J.)

1 None appears for the petitioners. Heard the learned AGP for the respondents.

2 A very limited grievance has been made in this petition. The grievance is that an application made by the petitioners under sub-section (1) of section 28-A of the Land Acquisition Act, 1894 (for short 'the said Act') has been kept pending. It is pointed out that the said application was filed on 24th March 1998. There is a reply filed by one Revati Gaikar, the Special Land Acquisition Officer, Metro Centre 3, Panvel, District Raigad. In the said reply it is pointed out that the application under sub-section (1) of section section 28-A is based on Awards made by the Reference Courts in L.A.R.Nos.22 of 1986 and 319 of 1986. It is pointed out that the First Appeals for challenging the said

Awards are pending in this Court and, therefore, the application cannot be decided.

3 If the First Appeals are pending, there is every justification for the Special Land Acquisition Officer to keep the application pending. However, if the First Appeals have already been decided, the application dated 24th March 1998 shall be decided on merits provided it is filed within prescribed period of limitation.

4 Hence, we need not keep the petition pending. We dispose of the petition by passing the following order:

(I) We direct the petitioners or their authorised representative to remain present before the second respondent on 12th October 2015 at 11.00 a.m. The petitioners shall produce an authenticated copy of this order as well as office copy of the application dated 24th March 1998 on that day before the second respondent;

(II) If the said application is already disposed of, a copy of the order passed on the said application be provided to the petitioners within a period of one week from 12th October 2015;

(III) If the application is still pending and if the appeals preferred by the State Government against the Awards made in L.A.R.Nos.26 of 1986 and 319 of 1986 have been already disposed of,

the second respondent shall proceed to decide the said application in accordance with law within a period of six months from 12th October 2015;

(IV) If the said application is pending and if the aforesaid First Appeals are still pending, the said application shall be disposed of within a period of six months from the date on which First Appeals are disposed of;

(V) Rule is made partly absolute on above terms;

(VI) Parties to act upon on an authenticated copy of the order;

(V.L.ACHLIYA,J.)

(A.S.OKA,J.)

CERTIFICATE

Certified to be true and correct copy of original
signed Judgment/Order.