

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7811 OF 2015

Pandharinath Parshuram Keni and Others. .. Petitioners
Vs
The Special Land Acquisition Officer and Anr. .. Respondents
—
Shri Sachin S. Punde for the Petitioners.
Ms. Gauri Rao, AGP for the Respondents.
—

CORAM : A.S. OKA &
VLACHLIYA, JJ
DATED : 4TH SEPTEMBER 2015

PC.

. Heard the learned counsel appearing for the Petitioners and the learned AGP for the Respondents. Considering the narrow controversy, the Petition is forthwith taken up for final disposal.

2. The Petitioners filed four separate Applications under Sub-section (1) of Section 28A of the Land Acquisition Act, 1894 (for short “the said Act”) seeking re-determination of the compensation on the basis of the judgment and award dated 23rd July 2004 passed by the Court of the learned Civil Judge, Senior Division, Panvel, in the Land Acquisition Reference No.27 of 2002. The lands subject matter of the Applications have been notified for acquisition under Sub-section (1) of Section 4 of the said Act by the Notification dated 24th September 1986

issued for the purposes of setting up a satellite city of Navi Mumbai. The lands are situated at Village Wadghar. Taluka-Panvel. The grievance in the Petition is that the said Applications have been kept pending for an inordinately long time. It is contended that the Applications have been filed on 12th October 2004.

3. The learned counsel appearing for the Petitioners pointed out that in case of awards on the basis of which the redetermination of the compensation was sought, the Appeals preferred by the State Government have been decided by this Court by its judgment and order dated 2nd and 6th July 2015 in First Appeal No.1310 of 2005 and other connected matters. The learned AGP has not received any instructions as regards the status of the pending Applications.

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

ORDER :

- (a) We direct the Petitioners or their authorized representative to remain present before the First Respondent on Monday the 28th September 2015 at 11.00 a.m.;

- (b) The Petitioners shall produce office copies of the Applications which are subject matter of this Petition before the First Respondent on that date along with an authenticated copy of this judgment and order;
- (c) The Petitioners shall also produce an authenticated copy of the judgment and order dated 2nd and 6th July 2015 in First Appeal No.1310 of 2005 and other connected matters along with copies of the Memorandum of the relevant First Appeals/Cross-objections;
- (d) The First Respondent shall verify whether the Applications made by the Petitioners are pending. If the Applications are already decided, copies of the orders passed on the said Applications be furnished to the Petitioners within a period of two weeks from 28th September 2015;
- (e) If the Applications are pending and if the First Respondent is satisfied that the Appeal or Appeals preferred against the awards under Section 18 of the Land Acquisition Act, 1894 on the basis of which

redetermination of the compensation has been claimed, have been already decided, the First Respondent shall proceed to dispose of the said Applications as expeditiously as possible and preferably within a period of four months from 28th September 2015;

- (f) We make it clear that all contentions of the parties on merits of the Applications including on the issues of maintainability and limitation are expressly kept open;
- (g) The Petition is disposed of on above terms.

(V.L. ACHLIYA, J)

(A.S. OKA, J)

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