

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 7981 of 2015

District : Jalna

1. Balasaheb Annasaheb Kharat,
Age : 50 years, Occ. : Agriculture.
2. Gana Rambhau Khose,
Age : 46 years, Occ. : Agriculture.
3. Ratan Annasaheb Kharat,
Age : 43 years, Occ. : Agriculture.
4. Laxman Ashok Kawde,
Age : 42 years, Occ. : Agriculture.
5. Rambhau Ramrao Ghadge,
Age : 39 years, Occ. : Agriculture.
6. Asaram Shamrao Muthale,
Age : 37 years, Occ. : Agriculture.
7. Ashamati Gulabrao Kharat,
Age : 32 years, Occ. : Agriculture.
8. Lalitabai Dhondiba Kharat,
Age : 35 years, Occ. : Agriculture.
9. Bapu Ganpati Bhadarge,
Age : 26 years, Occ. : Agriculture.
10. Sakharam Kisanrao Kharat,
Age : 21 years, Occ. : Agriculture.
11. Bhaskar Manikrao Kharat,
Age : 24 years, Occ. : Agriculture.
12. Pradip Dadarao Kharat,
Age : 19 years, Occ. : Agriculture.

13. Uddhav Dadarao Kharat,
Age : 27 years, Occ. : Agriculture.

All R/o. Koregaon,
Taluka : Partur, Dist. : Jalna.

.. Petitioners.

versus

1. The State of Maharashtra,
Through its Secretary,
Irrigation Department,
Mantralaya, Mumbai.
2. The Collector, Jalna,
Taluka & District : Jalna.
3. The Special Land Acquisition Officer,
Minor Irrigation Division,
Jalna.
4. The Executive Engineer,
Nimna Dudhna Project,
Selu, District : Parbhani.

.. Respondents.

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*Mr. Pratik Bhosle, Advocate, holding for
Mr. Ajit B. Kale, Advocate, for the petitioners.*

*Ms. S.S. Raut, Asst. Government Pleader, for
respondent nos.1 to 3.*

Respondent no.4 served (Absent).

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 5TH FEBRUARY 2016

COURT'S ORDER *(Per S.V. Gangapurwala, J.) :*

1. Vide the impugned order, proceedings filed by the petitioners under Section 28A of the Land Acquisition Act 1894 [**For short, hereinafter referred to as “the Act”**], are kept in abeyance and pending.
2. The learned Counsel for the petitioners submits that till this date, no appeal is filed by the respondents against the judgment and award dated 26-9-2013, passed by the IInd Joint Civil Judge (Senior Division), Jalna, in L.A.R. No. 310/2010. It is pursuant to the said award, application under Section 28A of the Act is filed by the petitioners.
3. We have also heard the learned Asst. Government Pleader for respondent nos.1 to 3. None present for respondent no.4 though served.
4. The learned Counsel for the petitioner states that no appeal has been filed against the said judgment and award which is passed in 2013. There is no impediment for the authority to decide the proceedings under Section 28A of the Act. In case, appeal is filed against the said award and some interim orders are passed, then safeguards can be taken, in the event, amount is to be disbursed to the petitioners as per the said award. However, there would be no impediment for the respondent / authority to decide the said proceedings under Section 28A of the Act.
5. In the light of the above, the respondent / authority shall decide the application of the petitioner filed under Section 28A of the Act [Exhibit "B"], on its own merits, in accordance with law, after hearing all

(4)

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parties concerned, expeditiously and preferably within nine months from today.

6. With the above directions, the Writ Petition is disposed of.
No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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