

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

WRIT PETITION NO. 1042 OF 2015

Ukha Pela Rathod

...PETITIONER

versus

The State of Maharashtra and others

...RESPONDENTS

.....
Mr. Soyesh Shaikh Advocate holding for
Mr. Rajendra Kasar, Advocate for petitioner
Mrs. A.V. Gondhalekar, AGP for respondents
.....

**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 27th JUNE, 2016.

Order :-

1. Learned counsel for petitioner submits that though application under section 28-A of the Land Acquisition Act, 1894 (for short "Act of 1894") is filed on 03-09-2011 no decision on the same has been taken as yet.

2. Learned Assistant Government Pleader submits that award is passed by the Reference Court in the year 1997. Pursuant to which, application under section 28A of the Act of 1894 is filed and the same would not be within limitation.

3. It is for the authority concerned to consider said application on its own merits including ground of limitation. In case, application filed by the petitioner under section 28A of the Act of 1894 (Page No. 15) is still pending with the authority, then authority concerned shall decide

the same on its merits and in accordance with law after hearing all the parties concerned, as expeditiously as possible, preferably within a period of nine (09) months from the date of order. All the contentions of respective parties are kept open.

4. Writ petition stands disposed of accordingly. No costs.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

MTK