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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.907 OF 2016

Shri. Sanjay Baslingappa Jeure	... Petitioner
Versus	
State of Maharashtra and Anr.	... Respondents

Ms. Chaitrali Deshmukh i/by Mr. R.S. Alange for the Petitioner.
Mr. V.P. Malvankar, AGP 'A' Panel for the Respondent No.1.

CORAM : A.S. OKA &
C.V. BHADANG, JJ.

DATE : 1st FEBRUARY, 2016

PC.

1. Heard the learned counsel appearing for the Petitioner and the learned AGP for the first Respondent. The Petitioner sought re-determination of compensation in accordance with Sub-Section (1) of Section 28A of the Land Acquisition Act, 1894 on the basis of Judgment and Award made by the learned 3rd Joint Civil Judge, Senior Division, Solapur in LAR No.21 of 2011. The said application has been rejected by the impugned order dated 9th November, 2015. The learned AGP on instructions of the Sub-Divisional Officer, Solapur No.2 states that the impugned order will be withdrawn and appropriate order will be made on the application made by the Petitioner after giving an opportunity to the Petitioner to adduce evidence. We accept the said statement.

2. Accordingly, we dispose of the Petition by passing the following order :-

ORDER

- (i) The impugned order dated 9th November, 2015 stands withdrawn and accordingly the application made by the Petitioner, a copy of which is at Exhibit-A stands restored to the file of the Sub-Divisional Officer, Solapur No.2;
- (ii) We direct the Petitioner to appear before the Sub-Divisional Officer on Monday 15th February, 2016 at 11.00 am;
- (iii) The aforesaid application made by the Petitioner shall be decided by the Sub-Divisional Officer in accordance with law as expeditiously as possible and in any event within a period of four months from 15th February, 2016. Needless to add that the Sub-Divisional Officer shall give adequate opportunity to the Petitioner as well as to the acquiring body to adduce evidence;
- (iv) All contentions on merits of the application are kept open;
- (v) Writ Petition is disposed of on above terms;
- (vi) Parties to act upon an authenticated copy of this order.

(C.V. BHADANG, J)

(A.S. OKA, J)