

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10541 OF 2015

Kamlabai Ganpat More (Deceased)
through her legal heirs
Sushila Namdeo Gunaware .. Petitioner
Vs.
State of Maharashtra and ors. .. Respondents

Mr.G.H. Potnis, for the Petitioner.
Ms.Nisha Mehra, AGP for State.

**CORAM : SHANTANU.S.KEMKAR &
M.S.KARNIK, JJ.**

DATE : 30th AUGUST, 2016

P.C. :

- . Parties through their Counsel.
2. By filing this Petition under Article 226 of the Constitution of India, petitioner has challenged the order dated 30/12/2013-Exhibit 'K' passed by the Deputy Collector (Land Acquisition) No. 19, Pune whereby petitioner's claim has been rejected on the ground of non-submission of the documents mentioned at serial Nos. 1 to 10 in the impugned order.
3. Learned Counsel for the petitioner submits that the Land Acquisition Officer has not taken into consideration the

judgment dated 29/11/2013 passed by Division Bench of this Court in Writ Petition No. 9666 of 2013 with Writ Petition No.9667 of 2013 in the case **Shri Dhondiba Sudam Sonwane Vs. The State of Maharashtra** and in the case of **Shri Shankar Bapu Shinde Vs. The State of Maharashtra** which came to be passed about a month prior to the passing of the impugned order.

4. On the other hand, learned AGP submits that since the said judgment was passed on 29/11/2013 before passing of the impugned order that may not have been brought to the notice of the said Authority.

5. Keeping in view the submissions made by the learned Counsel for the parties, we are disposing of this Petition by directing the Authority - Deputy Collector (Land Acquisition) No. 19, Pune to reconsider the petitioner's application filed under Section 28A(1) of the Land Acquisition Act afresh keeping in view the directions contained in the order dated 29/11/2013 passed by the Division Bench of this Court in the case of **Shri**

Dhondiba Sudam Sonwane & Shri Shankar Bapu Shinde
(supra). Let the decision as aforesaid be taken by the said
Authority within 3 months from the date of receipt of copy of
this order.

6. In view of the aforesaid, the impugned order stands
quashed. Petition is disposed of.

(M.S.KARNIK, J.)

(SHANTANU.S.KEMKAR, J.)