

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

**Writ Petition No.2600 of 2013**  
**WITH**  
**Civil Application W. No. 1037 of 2016.**

Kamlakar Nanaji Shinde  
Vs.

The State of Maharashtra through its Secretary, Department of Irrigation, Mantralaya  
Mumbai -32 and other.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions  
and Registrar's Orders.

Court's or Judge's orders.

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Mr. S.S. Shingane, counsel for petitioner.  
Mr. B. Lonare, AGP for respondent nos. 1 to 4.

**CORAM : B.P. DHARMADHIKARI &  
P.N. DESHMUKH, JJ.**

**DATE : 4<sup>th</sup> MAY, 2016.**

Advocate Shingane points out that application under Section 28-A of the Land Acquisition Act has been kept pending. As it was not being decided, present writ petition came to be filed. Respondents State pointed out to this Court pendency of first appeal against the judgment delivered by Reference Court and therefore writ petition came to be admitted for final hearing.

He submits that against adjudication by Reference Court, State Government has filed the proceedings First Appeal Stamp No.18258/2008. Along with it, Civil Application No.9523/2008 was filed by State

Government for condoning the delay. This Court has rejected that application on 7.12.2009 itself. Hence, that appeal is no longer pending.

Against other adjudication by Reference Court in the matter arising out of very same Section 4 notification first appeal No.1329/2009 was filed. That first appeal filed by State Government has been dismissed on merits on 31.3.2016 by learned Single Judge of this Court.

Advocate Shingane submits that enhancement granted by Reference Court which was questioned in first appeal No.1329/2009 or then first appeal Stamp No. 18258/2008 is the same. Petitioner also wants that enhancement under section 28-A of the Land Acquisition Act.

Learned AGP is seeking time to obtain instructions.

However, in the light of the developments, it is apparent that the application moved under section 28-A of the Land Acquisition Act by present petitioner needs to be decided expeditiously.

Accordingly, without observing anything on merits, we direct respondent no. 3 to look into that application and to decide it in accordance with law, if there is no other impediment.

Respondent no. 3 shall attempt to decide it at the earliest and in any case within a period of four

months after the petitioner appears before it. Petitioner is directed to appear before respondent no. 3 on 14.6.2016.

Writ petition is thus partly allowed and disposed of. C.A.W. No. 1037/2016 is also disposed of. No costs.

**JUDGE**

**JUDGE**

Hirekhan