

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4223 OF 2016

[Domaji s/o Ramaji Chaware .vs. State of Maharashtra and others]

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

Court's or Judge's orders

Shri D.S. Lambat, counsel for the petitioner,
Shri A.M. Balpande, AGP for the respondents.

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CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : NOVEMBER 28, 2016.

By this writ petition, the petitioner seeks a direction against the respondents to decide the application made by the petitioner under Section 28-A of the Land Acquisition Act, 1894 and grant and release the compensation to the petitioner, accordingly.

Shri Balpande, the learned Assistant Government Pleader appearing on behalf of the respondents states that the judgment, on the basis of which the petitioner has filed the application under Section 28-A of the Land Acquisition Act for enhanced compensation, is challenged by the State Government in a first appeal and in the first appeal, the judgment of the reference court is stayed. It is stated that in this background the application made by the petitioner under Section 28-A of the Land Acquisition Act cannot be considered at this stage.

By accepting the statement made on behalf of the respondents that the application made by the petitioner under Section 28-A of the Land Acquisition Act cannot be decided in favour of the petitioner when the first appeal filed by the State Government against the judgment of the reference court is pending and the judgment of the reference court is stayed, the

writ petition is disposed of with no order as to costs. The petitioner is, however, free to move the respondents in case the first appeal filed by the State Government is dismissed. Order accordingly. No costs.

JUDGE

JUDGE

Gulande, PA