

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Writ Petition No. 6098 of 2016
[Harakchand Deokaran Lahoti Vs. State of Mah. & two others]

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

Court's or Judge's orders

Mr. Girish Deepwani, Adv., holding for Mr. R.A. Gupte, Adv., for the petitioner.
 Mr. R.S. Nayak, AGP for respondents.

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**CORAM : DR. MANJULA CHELLUR,
CHIEF JUSTICE AND
B.P. DHARMADHIKARI, J.**

DATE : 18th October, 2016

P.C.

Learned Adv. Mr. Girish Deepwani holding for Adv. Mr. R.A. Gupte for the petitioner is seeking adjournment on the ground that the brother of Adv. Mr. Gupte is hospitalized. However, when we looked into the grievance made in the petition and on being pointed out by learned AGP also, we find that the challenge is stale. There is no satisfactory explanation for it. According to representation, the controversy was settled way back in 2011.

Perusal of Memo of Writ Petition reveals that some additional compensation has been paid as

rehabilitation compensation in May, 2015 and present Writ Petition is filed on 5th August, 2016. Thus, even from that date, the petition, as filed, is not within a period of six weeks as contemplated under Section 18 of the Land Acquisition Act, 1894. Moreover, effort is to reopen the Award made on 5th July, 2011.

Perusal of Award dated 5th July, 2011 reveals that it is in relation to sixty-two lands and there are several land owners. Section 18 Reference Applications filed by those owners may be pending.

In this situation, without observing anything on merits of the controversy, and as an alternate remedy under Section 28-A is available to the petitioner after such Reference Applications are decided, with liberty to the petitioner to approach again at that juncture, we dispose of the petition. No costs.

Chief Justice

[B.P. Dharmadhikar, J.]