

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

WRIT PETITION NO. 1223 OF 2016

Vitthal Suryabhan Kawale and others

-vs-

The State of Maharashtra, thr.Special Land Acquisition Officer, Nagpur and another

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

Court's or Judge's Orders.

Ms Rajkumari Rai, counsel for the petitioners.
Mr.N.R.Rode, AGP for the respondent No.1.
Mr. M.M.Agnihotri, counsel for the respondent No.2.

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

DATE : 27.06.2016.

By this writ petition, the petitioners seek a declaration that the provisions of Part-III of the Land Acquisition Act, 1894, specially the provisions of Section 28 A thereof would apply to the acquisition of the land made by the Maharashtra Industrial Development Act.

Shri M.M.Agnihotri, the learned counsel for the respondent-Maharashtra Industrial Development Corporation, fairly states that the issue involved in this case stands answered in favour of the petitioners by the judgment dated 12/08/2015 in a bunch of writ petitions bearing Writ Petition No.6688 of 2014 and others (Rambhau Tembhurkar since deceased through L.Rs. -Vs.- State of Maharashtra and others). It is stated that the declaration as sought by the petitioners could be granted. It is further stated that the applications, filed by the petitioners, could be considered by the Special Land Acquisition Officer in view of the aforesaid judgment.

On hearing the learned counsel for the parties and on a perusal of the judgment, dated 12/08/2015 in a bunch of writ petitions bearing Writ Petition No.6688 of 2014 and others, we partly allow the writ petition. It is hereby declared that the provisions of Section 28A of

the Land Acquisition Act, 1894 would apply to the acquisitions under the Maharashtra Industrial Development Act, 1961. The respondent No.1 is directed to consider the applications of the petitioners under Section 28A of the Act, in accordance with the provisions of the Land Acquisition Act, 1894, at the earliest.

Order accordingly. No costs.

JUDGE

JUDGE

KHUNTE