

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1825 OF 2017

Dastgir Allabaksha Jamadar through
his sons and G.P.A. Alliauddin
Dastgir Jamdar and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Santosh B. Gastgar, Advocate for Petitioners.
Shri M. B. Bharaswadkar, A.G.P. for all Respondents.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 09TH FEBRUARY, 2017.

PER COURT :

. Issue notice to respondents. The learned Assistant Government Pleader accepts notice for all respondents.

2. Mr. Gastgar, the learned counsel for petitioners submits that, the petitioners had filed application U/Sec. 28-A of the Land Acquisition Act (for short "L.A. Act") in the year 2009. The same was not decided on the ground that first appeals against the award passed by the Reference Court U/Sec. 18 of the L. A. Act were pending. The earlier writ petition filed by petitioners was disposed of on the ground that first appeals are pending and

directions cannot be given to decide application U/Sec. 28-A of the L. A. Act. The learned counsel submits that, now said first appeals are already decided.

3. In case said first appeals are already decided, the petitioners shall bring this fact to the notice of the Collector and upon receipt of the decision in first appeals, the Collector shall decide the application U/Sec. 28-A of the L. A. Act filed by petitioners on its own merits, expeditiously and preferably within a period of eight (08) months from today. The petitioners may appear before the authority on 01.03.2017. The writ petition is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 17