

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

Writ Petition No. 3630 of 2016

1) Raosaheb s/o Narsingrao Biradar
(Died) through legal
representative:

1/A) Vilas s/o Raosaheb Biradar,
Age Major, Occu: Agriculture.

2) Namdeo s/o Narshing Biradar,
Age Major, Occu: Agriculture.

3) Balaprasad s/o Namdeo Biradar,
Age Major, Occu: Agriculture.

4) Bharat s/o Namdeo Biradar,
Age Major, Occu: Agriculture,

All R/o Kini Yalladevi,
Taluka Udgir District Latur. .. **Petitioners.**

Versus

1) The State of Maharashtra
Through the Collector, Latur.

2) The Executive Engineer,
Minor Irrigation Division, Latur,
Taluka & District Latur. .. **Respondents.**

Shri. G.K. Sontakke (Patil) and Smt. P.G.
Sontakke (Patil), Advocates, for petitioners.

Smt. R.P. Gour, Assistant Government Pleader,
for respondents.

**Coram: T.V. NALAWADE &
SANGITRAO S. PATIL, JJ.**

Date: 8 March 2017

ORAL JUDGMENT:

1) Rule, rule made returnable forthwith. Heard both the sides, by consent, for final disposal.

2) The petition is filed for giving directions to the respondents for deciding the application filed under section 28A of the Land Acquisition Act, 1894. Copy of the application is produced on the record. The application was made on 18-3-2008.

3) It is the grievance of the petitioners that yet no decision is taken on the application filed by the petitioners.

4) Reply-affidavit is filed by respondents and it is stated that the matter is under process and the matter will be decided as early as possible. Learned counsel for the petitioners placed reliance on the decision in **Writ Petition**

No.30 of 2012 (Shriram Tatayaba Shinde v. The State of Maharashtra) decided with other matters on 18 April 2012. In the similar circumstances this Court directed the respondents to decide the proceeding within fixed period and make payment of the compensation. Considering the possibility of filing of appeals by the State Government, this Court holds that, that aspect also needs to be considered while deciding the proceeding filed under section 28A of the Act.

5) In the result, the petition is allowed. Direction is given to the respondents to decide the application filed within six months from today and payment of the compensation is to be made within three months from the date of award given under section 28A (2) of the Act. Notice is to be given to the concerned parties before starting of the hearing of the matter by the authority. Rule is made absolute in those terms.

Sd/-

(SANGITRAO S. PATIL, J.)

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Sd/-

(T.V. NALAWADE, J.)