

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3426 OF 2014

Annasaheb Tulsiram Kharat ... Petitioner
 V/s.
State of Maharashtra & ors ... Respondents.

Mr.T.D. Deshmukh, Advocate for the petitioner.

Mr.A.P. Vanarase, AGP for the State.

**CORAM : DR.MANJULA CHELLUR, C.J.
 AND N.M. JAMDAR, J.**

DATE : 5TH JUNE, 2017.

P.C. :

1 We have gone through the judgment dated 29th November 2013 in Writ Petition Nos.9666 of 2013 and 9667 of 2013. The question that arose before the Bench was whether the authority concerned could demand documents other than an award under Section 11 of the Act made by the Civil Court in order to consider the application under Section 28A of the Land Acquisition Act.

2 The Bench observed at paragraph no.9 of the judgment that the only requirement to consider application u/s.28A being the award of the Civil Court since period of limitation will have to be computed on the basis of the certified copy of the award, especially in the exclusion of time as contemplated under proviso to sub-section(1) of Section 28A of the Act.

3 In that view of the matter, the impugned notice calling upon the petitioner to produce several documents as indicated at page 28 seems to be nothing, but a notice without application of mind, in terms of the judgment dated 29th November 2013 referred to above.

4 In that view of the matter, we quash the impugned communication dated 13th August 2013, and the same is set aside. We direct the respondent authority to consider the application and the certified copy of the award of the Civil Court, if already furnished, within a period of three months from today.

(N.M. JAMDAR, J.)

CHIEF JUSTICE