

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

WRIT PETITION NO.6038 OF 2019

**VAIBHAV VASANT KULKARNI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for the Petitioner : Shri Shaikh Shoyab
AGP for Respondent Nos. 1 to 3 : Shri S. R. Yadav – Lonikar
Advocate for Respondent No.4 : Shri G. B. Rajale

...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 30th SEPTEMBER, 2019.

...

PER COURT :

1. The petitioner is aggrieved by the order dated 22/02/2018, passed by the Sub-Divisional Officer /Land Acquisition Officer, Bhoom, by which, the application filed by the petitioner under Section 28-A of the Land Acquisition Act, 1894, has been rejected since the copy of the judgment of the Civil Court dated 25/08/2011 in the LAR cases concerning the same project, was not placed before the Sub Divisional Officer.

2. I have heard the learned Advocate for the petitioner and the learned AGP on behalf of respondent Nos. 1 to 3.

3. Shri Rajale, learned Advocate appearing on behalf of the acquiring body submits that 5 First Appeals have been filed in this Court challenging the judgment of the Civil Court dated 25/08/2011 delivered under Section 28-A of the Land Acquisition Act 1894 in the LAR proceedings. In all these Appeals, this Court has stayed the judgment of the LAR Court dated 28/05/2019.

4. The learned Advocate for the petitioner submits that his proceedings which have been disposed off on technical objections, can be restored pending the decision of this Court in the First Appeals. The learned Advocates for the respondents are agreeable.

5. In view of the above, this petition is partly allowed. The impugned order dated 22/02/2018 passed by respondent No.2 is quashed and set aside and the proceeding bearing No. 2011/Bhusampadan/kalam-28-A/CR-73 stands restored to the file of respondent No.2. Needless to state, after this Court decides the first appeals in which the judgment of the Civil Court dated 25/08/2011 has been challenged, the acquiring

body shall bring the decision of this Court to the notice of respondent No. 2 in the matter concerning this petitioner, within 4 weeks from the date of the order of this Court. Thereafter, respondent No. 2 shall issue notice to all the parties and decide the pending proceedings.

(RAVINDRA V. GHUGE, J.)

shp/-