

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

931 WRIT PETITION NO.660 OF 2017

**VITHAL RAMCHANDRA MUSANDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr. Kabade Vivek V., Advocate for the petitioners
Mr. Wattamwar G.O., AGP for the respondents No.1 and 2
Mr. Patil R.C., Advocate for respondent No.3

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**CORAM : SUNIL P.DESHMUKH &
S.M. GAVHANE, JJ.
DATE : 18-06-2019**

PER COURT:

1. Heard learned counsel for parties.
2. It appears that petitioners have filed proceedings under Section 28A of Land Acquisition Act, 1856 upon judgment delivered in Land Acquisition Reference No.167 of 2011 on 16-03-2015.
3. The petitioners claim that acquisition of their lands were covered by notification under section 4 of the Land Acquisition Act, 1894 for the purpose of Lower Terna Project at Makani Tq.Lohara, District Osmanabad. Present petitioners could not file the reference under section 18 of the Land Acquisition Act. While, references filed by other claimants from said notification and award have been passed enhancing compensation, petitioners have made an application under section 28A of the Act with reference to such award. However, despite proceedings being filed, no further action

as yet has been taken.

4. Aforesaid submissions go uncontroverted as learned AGP points out that despite communications from his office in 2017 and 2019 and phone calls, no response is being received.

5. In view of aforesaid, applications/representations filed by the petitioners under section 28A of the Land Acquisition Act, 1956 be decided in accordance with law as early as possible preferably within a period of three months from the date of receipt of writ of this order, if it is not already decided.

6. The writ petition is disposed of accordingly.

[S.M. GAVHANE, J.]

[SUNIL P.DESHMUKH, J.]

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