

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.30235 OF 2018

Shri Nanaji Bhimrao Magare & Ors.Petitioners
V/S
The State of Maharashtra & Ors.Respondents
...
Mr. Sachin Gite for the Petitioners.
Mr. S.B. Kalel, AGP for Respondents/State.
...

**CORAM : A.A. SAYED &
SMT. ANUJA PRABHUDESSAI, JJ.**
DATE : 16 DECEMBER 2019.

ORDER:

1 This Petition is filed impugning the orders/letters dated 2 June 2018 and 11 July 2018 whereby the Respondent No.3-Sub Divisional Officer, Malegaon, has rejected the Application of the Petitioners filed under section 28A for enhancement of compensation on the ground that the said Application is filed beyond the period of limitation and therefore time barred.

2 Perusal of the impugned orders/letters show that the Respondent-Sub Divisional Officer has not assigned any reasons and has not taken into consideration the period between filing of the Application by Petitioner No. 7 for certified copy of the order dated 28 July 2000 of the Joint District Judge in the Land Acquisition Reference No.86 of 1991 and when the same was ready.

3 In the circumstances, we set aside the impugned order and remit the matter back to the Respondent-Sub Divisional Officer to decide the matter afresh by a speaking order after considering the aforesaid aspect. The Petitioners shall appear before the Respondent-Sub Divisional Officer on 8 January 2020 at 11 a.m. alongwith an authenticated copy of this order.

4 The Petition is allowed in the aforesaid terms and to stand disposed of accordingly. We make it clear that it would be open for the Respondent-Sub-Divisional Officer to consider the case of each of the Petitioners separately.

(SMT. ANUJA PRABHUDESSAI, J.)

(A.A. SAYED, J.)

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