

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

99 WRIT PETITION NO.9882 OF 2021

ANNARAO MARUTI JIVANAGE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr. Rakhunde Pravin B

AGP for Respondents: Mr. P. K. Lakhotiya

...

AND

...

100 WRIT PETITION NO.9883 OF 2021

TAMMA MARUTI JIVANAGE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr. Rakhunde Pravin B

AGP for Respondents: Mr. P. K. Lakhotiya

...

AND

...

101 WRIT PETITION NO.9884 OF 2021

SHRIKANT DATTOPANT ANDURKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr. Rakhunde Pravin B

AGP for Respondents: Mr. S. P. Tiwari

...

AND

...

102 WRIT PETITION NO.9885 OF 2021

GULAB RAMCHANDRA MUDKANNA (DIED) THROUGH LRS

RAVINDRA GULAB MUDKANNA

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr. Rakhunde Pravin B

AGP for Respondents: Mrs. M. A. Deshpande

...
AND
...

103 WRIT PETITION NO.9886 OF 2021
RAMCHANDRA SIDRAMAPPA MUDKANNA (DIED) THROUGH LRS
MALLINATH RAMCHANDRA MUDKANNA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner: Mr. Rakhunde Pravin B
AGP for Respondents: Mr. A. R. Kale
...

**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE: 27th SEPTEMBER, 2021

PER COURT:

1. Mr. Rakhunde, learned Advocate for the petitioners submits that the petitioners have filed Applications U/Sec. 28-A of the Land Acquisition Act, 1894 (hereinafter referred to as 'Act-1894'). However, the said Applications are rejected only on the ground that Appeals are filed by the State / Acquiring Body and the same are pending, stay is granted.

2. We have also heard the learned A.G.P. for the respondents.

3. If the Acquiring Body / State has filed Appeals before this Court and stay has been granted to the Judgment of the Reference Court, then certainly, the Special Land Acquisition Officer could not have decided the Applications under Section 28-A of the Act-1894. To that extent, the Special Land Acquisition Officer is justified, however, the Special Land Acquisition Officer could not have rejected the Applications under Section 28-A of the Act-1894. It should have kept it pending.

4. In view of that, the orders to the extent rejecting the Applications of the petitioners are set aside. The Special Land Acquisition Officer shall keep the said applications pending and decide it after the Appeals are decided by this Court and / or stay is vacated.

5. With these observations, writ petitions are disposed of. No costs.

[R. N. LADDHA, J.]
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[S. V. GANGAPURWALA, J.]