

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

WRIT PETITION NO. 10228 OF 2021

Chandpasha Mashyak Jamadar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pravin B. Rakhunde, Advocate for the Petitioner.

Mr. P. K. Lakhotiya, AGP for Respondents/State.

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

DATED : 16th September, 2021.

PER COURT:-

. Mr. Rakhunde, learned counsel for the petitioner submits that the petitioner has filed an application under Section 28-A of the Land Acquisition Act, 1894 (hereinafter referred to as 'Act of 1894'). However, the said application is rejected only on the ground that, appeal is filed by the State / acquiring body and the same is pending. Stay is granted.

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

3. If the acquiring body / State has filed an appeal before this Court and stay has been granted to the judgment of the Reference Court, then certainly, the SLAO could not have decided the application under

Section 28-A of the Act of 1894. To that extent, the SLAO is justified, however, the SLAO could not have been rejected the application under Section 28-A of the Act of 1894. It should have kept it pending.

4. In view of that, the order to the extent rejecting the application of the petitioner is set aside. The SLAO shall keep the said application pending and decide it after the appeal is decided by this Court and / or stay is vacated.

5. With these observations, writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.