

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

78 WRIT PETITION NO.8009 OF 2022

**VISHAL SURAJ DHAKNE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

...

Advocate for Petitioners: Mr. Humbe Vilas M.
AGP for Respondents: Mr. S. K. Tambe

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**CORAM: RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE: 02nd AUGUST, 2022

PER COURT:

1. The Petitioner has put forth prayer
Clauses 'B', 'C' and 'D', as under-

"B. To direct the respondents to
refer LAR proceedings Dated.28/08/2012 at
Exh.-A before the CJSD Jalna within the
stipulated period.

C. Pending hearing and final
disposal of this writ petition to direct
the respondents to refer LAR proceedings
Dtd.28/08/2012 at Exh.-A before the CJSD
Jalna within stipulated period.

D. To direct the respondents to decide the application Dtd.2/09/2021 regarding their LAR proceeding Dated.28/08/2012 before the CJSD Jalna."

2. Heard.

3. The Petitioner contends that he has moved a proposal under Section 18 of the Land Acquisition Act, 1894 before the competent authority and which was received by the said authority on 28.08.2012. As there was no progress in the LAR proceedings, the Petitioner approached the Sub-Divisional Officer, Bhokardan, District Jalna vide representation dated 02.09.2021. He stated in the said representation that he has been informed by the authorities that his file is untraceable. The learned Advocate further submits that, this Court, has passed orders in some matters directing the competent authority to reconstruct the file. The Petitioner is willing to render fullest cooperation and tender additional copies of all the documents that he possess, in

order to assist the Collector to reconstruct the file.

4. The learned AGP rightly submits that the authorities will have to inspect it's Inward Register to find out whether the Petitioner had actually tendered his proposal on 28.08.2012. If the Inward Register does not evidence the submissions of such proposal, it would mean that no proposal has been tendered by the Petitioner. The law of limitation would then be applicable if he desires to submit a proposal today.

5. In view of the above, this Petition is disposed off with the following directions:-

A] The District Collector, Jalna shall verify from the records available in his office, especially the Inward Register with regard to the LAR cases and assess as to whether the Petitioner had tendered his proposal on 28.08.2012 in the Inward Register. Let this exercise be completed by 30.08.2022.

B] The records will be scrutinised if they are presently in the office of the District Collector, Jalna and if not, from the Registry of the Aurangabad Bench of the Bombay High Court as it is stated that some records have been deposited in this Court.

C] If the Inward Register evidences the entry as stated by the Petitioner, the office of the District Collector, Jalna would call upon the Petitioner, on or before 15.09.2022 to cooperate by tendering the records / documents available with him for reconstruction of the file. Let this exercise be concluded by 21.10.2022.

D] Once the file is reconstructed, the District Collector shall process the file in accordance with law, on or before 15.11.2022.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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