

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

**903 WRIT PETITION NO. 10520 OF 2021
WITH CA/9811/2021 IN WP/10520/2021 WITH
CA/9810/2021 IN WP/10520/2021
NARAYAN MAHADU RAHANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. D.Y. Bide h/f
Mr. Vitthal B Wayal

AGP for Respondents: Ms. R.P. Gaur

Advocate for Respondents :

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**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 20.04.2022

P.C. :

1. Insofar as civil application No. 9810 of 2021 is concerned, for the reasons set out in the application, the same is allowed. Delay is condoned.

2. L.Rs of petitioner No. 6 are permitted to be brought on record in the writ petition.

3. Insofar as Civil Application No. 9811 of 2021 is concerned, for the reasons set out therein, the same is allowed. The applicant namely, Jagan @ Jagannath s/o Tejpal Bhomawat be arrayed as petitioner No. 12 in the petition.

4. Considering the order that we are passing today, we are not required to advert to the entire submissions of the learned Advocates representing the respective sides. Suffice it to say and in view of the statement made by the learned AGP on the basis of instructions received from Deputy Collector (Land Acquisition), Collector Office, Aurangabad, present in the Court, that these twelve petitioners have indeed made their applications under Sections 28-A of the Land Acquisition Act, 1894, within a period of three months. The award is dated 01-10-1992 and all these applications were received by the office of the District Collector on 31-12-1992. Excluding the period consumed for receiving certified copies of the award, which are placed on record, these applications are filed within limitation.

5. It is, obvious that, the respondent-authorities lost sight of the fact that these twelve petitioners had filed applications under section 28-A within limitation. Since some applications of the other applicants were decided and these petitioners had filed a reminder in 2009, that the authorities laboured under impression that all these applications were beyond limitation, and therefore, they were disposed off without any

adjudication. Be that as it may, the applications filed by these petitioners under Section 28-A are still pending on the file of the District Collector, Aurangabad.

6. In view of the above, this petition is disposed off.

7. The Officer present in the Court instructs the learned AGP to seek six months time for deciding the pending applications. The petitioners are agreeable.

8. In view of the above, let these petitioners appear before the District Collector, Aurangabad on 06-05-2022 at 3.00 p.m. The District Collector need not issue separate notices.

9. Needless to state, by following the due procedure laid down in law, respondent No. 3 or respondent No. 4, as the case may be, shall decide the applications filed by these petitioners, as expeditiously as possible, and preferably on or before 30th November, 2022.

(S.G.DIGE, J.)

(RAVINDRA V. GHUGE, J.)