

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

4 WRIT PETITION NO.8058 OF 2022

**PRABHAKAR BABULAL PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AND
OTHERS**

...
Advocate for Petitioners : Mr. D.M. Pingale h/f. Mr. A.M. Hajare
AGP for Respondent Nos. 1 to 4 : Mr. P.S. Patil

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

DATED : SEPTEMBER 19th, 2022.

PER COURT :

1. The petitioners have put forth prayer clause 'B' as under :-

B) By appropriate writ order or direction the respondents may kindly be directed to forward the Reference application filed by the petitioners under section 18 of Land Acquisition Act, 1894 before Civil Judge Senior Division Aurangabad within the period of one month from today.

2. The learned AGP submits that he has received a communication from the Sub Divisional Officer cum Land Acquisition Officer, Kannad dated 4.8.2022, informing the learned AGP that the file pertaining to Smt. Manjulabai Babulal Patil and others is missing and the office would reconstruct the file with the assistance of the petitioners. He also points out a similar situation, in which, this Court has passed an order on 28.3.2022 in Writ Petition No. 1623/2019 filed by Baburao Deorao Surase Vs. The State of Maharashtra and others.

3. The communication tendered by the learned AGP is taken on record and marked as 'X-1' for identification.

4. The learned advocate for the petitioners submits that a direction to reconstruct the file and decide the same within a time frame, would satisfy the purpose of filing this petition.

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

- A) Respondent No. 3 shall reconstruct the file of these petitioners, which they claim to have filed under section 18 of the Land Acquisition Act, 1894.
- B) Such reconstruction of the file shall be completed, on or before 7th October, 2022.
- C) The petitioners shall appear before respondent No. 3 through a representative, on 26th September, 2022, at 12.00 noon and assist the authority in reconstruction of the file.
- D) After the file is reconstructed, the same shall be transmitted to the concerned Civil Judge, Senior Division at Aurangabad within three weeks.

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]

SSC/