

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

321 WRIT PETITION NO.11028 OF 2022

TAMMA MAROTI JIVANGE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH DISTRICT COLLECTOR AND OTHERS

...

Advocate for Petitioner : Mr. Pravin B. Rakhunde.

AGP for Respondent/State: Mr. S. G. Karlekar.

...

AND

322 WRIT PETITION NO.11029 OF 2022

ANNARAO MAROTI JIVANGE DIED THROUGH LRS
JIJABAI ANNARAO JIVANGE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH DISTRICT COLLECTOR AND OTHERS

...

Advocate for Petitioners : Mr. Pravin B. Rakhunde.

AGP for Respondent/State: Mr. S. G. Karlekar.

...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 14th November, 2022.

P.C.:

1. The petitioners pray that their pending applications under Section 28-A of the Land Acquisition Act, 1894 be decided within a time frame.

2. The learned AGP submits that if an appeal is preferred by the acquiring body, such applications have to be kept pending.

3. We have perused the order passed by this Court dated 27th September, 2021 in Writ Petition No.9882 of 2021 filed by Annarao Maruti Jivanage and in Writ Petition No.9883 of 2021 filed by Tamma Maruti Jivanage, wherein this Court has concluded that if the appeal is pending, the SLAO cannot decide the applications under Section 28-A. The said applications have to be kept pending and can be decided only after the appeal is decided. Both these petitioners are before us again since these petitions pertain to a different parcel of land and do not cover that parcel of land, which is dealt with by this Court vide order dated 27th September, 2021 referred to hereinabove.

4. In view of the above, both the petitions are disposed off with the following directions:

- A) If no appeals have been filed, the pending applications of these petitioners would be decided, on or before 31st May, 2023.
- B) Pursuant to this order, if the appeals are filed, the said applications would be kept pending till the appeals are decided.
- C) If the appeals are already filed, the applications of the petitioners would be kept pending, only to be taken up for decision after the appeals are adjudicated upon.

D) In tune with the order dated 27th September, 2021, the order of the SLAO rejecting the applications of the petitioners on the ground that a proposal for preferring an appeal is in the pipeline, stands set aside.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]