

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

901 WRIT PETITION NO.2543 OF 2019

POPAT EKNATH LOMATE & ANOTHER
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for the petitioners : Mr.P.B.Rakhune h/f.
Mr.A.S.More

AGP for Respondent-State : Mrs.R.P.Gaur
Advocate for Respondent no.3 : Mr.R.A.Tambe

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

DATE : 04.05.2022

P.C. :

1. On 11th April, 2022, we had passed the following order :-

1. The Lok Adalat award is dated 14.03.2015. The petitioners moved an application u/s 28A of the Land Acquisition Act, 1894 on 25.06.2015. The award u/s 28A is dated 29.08.2017.

2. Mr.Tambe, the learned Advocate places before us a compilation of 12 pages which is taken on record and collectively marked as X-1 for identification. He draws our attention to page No. 9 which indicates that the Corporation had addressed the S.L.A.O. on 14.11.2018 expressing the requirement of certain

documents so as to take the case forward and ensure that the payments are made to the petitioners. The S.L.A.O. who is the SDO-cum-Land Acquisition Officer, Bhoom, has still not responded.

2. In view of the above, we direct that respondent No.2 shall appear before our Court alongwith the entire record as is required by respondent No.3 considering it's communication dated 14.11.2018, on 27.04.2022 at 10.30 a.m.

3. List this petition on 27.04.2022 in the "passing orders category".

2. The learned Advocate representing respondent no.3 – acquiring body submits, on instructions, that the relevant documents from the Government have been received by respondent no.3. The issue involved is as regards the grant of enhanced compensation under Section 28-A of the Land Acquisition Act, 1894. The Authority desires to take a decision either to challenge the Award or to accept it. This may take some time.

3. The learned Advocate for the petitioners submits, on instructions, that if the acquiring body is to take a decision within a time frame, the petitioners would be

satisfied. The learned Advocate for respondent no.3 submits, on instructions, that if the authority decides not to assail the award under Section 28-A of the Land Acquisition Act, the payment could be made thereafter.

4. A copy of the communication by the Executive Engineer, Sina Kolegaon Project, Paranda, respondent no.3, addressed to the Superintending Engineer, Osmanabad Irrigation, Osmanabad, dated 25.04.2022 is taken on record and marked as 'X-2' for identification.

5. In view of the above, the statements made are recorded and this petition is disposed off with the following directions :-

a] The acquiring body would take a decision as to challenging the award dated 29.08.2017 delivered under Section 28-A of the Land Acquisition Act, on or before 30th July, 2022.

b] If the enhancement is less than four times, as per the policy of the Government, no appeal can be filed.

c] In the event of no appeal being filed, the petitioners would be paid the compensation amount, on or before 30th September, 2022.

d] If an appeal is preferred, rights of the petitioners would be subject to the orders in the said appeal.

[S.G.DIGE, J.]

[RAVINDRA V. GHUGE, J.]

DDC