

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.3906 OF 2022**

Aannappa Babu Desai Dec. Thr.  
Legal Heirs and Ors. .... Petitioners

Vs.

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3929 OF 2022**

Maruti Annappa Narvekar .... Petitioner

Vs.

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3928 OF 2022**

Mahadev Subhanna Madbhagat and Ors..... Petitioners

Vs.

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3927 OF 2022**

Vithal Babu Madbhagat Dec. Thr.  
Legal Heirs and Ors. .... Petitioners

Vs.

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3926 OF 2022**

Ranubai Dohindiba Parit Dec.  
Thr. Legal Heirs .... Petitioners

**Vs.**

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3924 OF 2022**

Vishnu Dhondiba Pednekar Dec.  
Thr. Legal Heirs .... Petitioners

**Vs.**

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3923 OF 2022**

Santosh Ramu Patil .... Petitioners

**Vs.**

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3922 OF 2022**

Narayan Dattu Gunjal .... Petitioners

Vs.

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3919 OF 2022**

Bandu Nrayan Navar .... Petitioner

Vs.

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3916 OF 2022**

Santu Bapu Mandavkar Decd.  
Thr.Lhrs. Rajaram Santu Mandavkar  
and Ors. .... Petitioners

Vs.

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3915 OF 2022**

Dattu Balu Madbhagat Decd.  
Thr.Lhrs. Shrimati Nagubai  
Dattu Madbhagat and Anr. .... Petitioners

Vs.

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3914 OF 2022**

Vishnu Balu Madbhagat Decd.  
Thr. LHS. Balu Vishnu Madbhagat  
and Ors. .... Petitioners

Vs.

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3913 OF 2022**

Pandurang Balaku Mangavkar  
Deced. Thr. Lhrs. Madhukar  
Pandurang Mandavkar and Ors. .... Petitioners

Vs.

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3911 OF 2022**

Ravindra Bandu Mandavkar Decd.  
Thr.Lrs. Smt.Mangal Ravindra  
Mandavkar and Ors. .... Petitioners

Vs.

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3910 OF 2022**

Dhondiba Chandru Magbhagat and Ors. .... Petitioners

Vs.

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3909 OF 2022**

Aappa Vithu @ Vithoba Joshi .... Petitioner

Vs.

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3908 OF 2022**

Bhiku Laxman Manjarekar and Ors. .... Petitioners

Vs.

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3907 OF 2022**

Mahadev Soma Madbhagar Dec.  
Thr.Legal Heirs .... Petitioners

Vs.

The State of Maharashtra and Ors. .... Respondents

**WITH**

**WRIT PETITION NO.3931 OF 2022**

Shivaji Laxman Madbhagar and Ors. .... Petitioners

Vs.

The State of Maharashtra and Ors. .... Respondents

Mr.Pratik P. Kothari a/w Ms.Mandini Chittal for the  
Petitioner

Mr.R.S.Pawar, A.G.P. for the State

**CORAM: S.V.GANGAPURWALA &  
VINAY JOSHI , JJ.**

**DATED : APRIL 8, 2022**

**P.C.**

. Heard.

2. The Petitioners in all these matters had filed an application under section 28A of the Land Acquisition Act. The said application is rejected on the ground of limitation.

3. Section 28A prescribes three months as the limitation period for filing an application under section 28A. Three months are to be taken from the date award is passed under section 28A of the Land Acquisition Act till the date of filing. Proviso to sub section 1 of section 28A provides that in computing period of three months within which the application to the Collector was made, the date on which the award was pronounced and the time requisite for obtaining a copy of award shall be executed.

4. The date of the award, the date of application given by

the Petitioners for the issuance of the certified copy of the award, the date when the copy of award was ready and the date of filing application under section 28A are reproduced herein.

| Sr. No. | Writ<br>Petition<br>No.                | Impugned<br>Order<br>date | LAR No            | Award Dt.<br>in LAR | Dt of<br>Appl. u/<br>S.28A | Dt of<br>Appl. For<br>CC | Dt when<br>CC Ready |
|---------|----------------------------------------|---------------------------|-------------------|---------------------|----------------------------|--------------------------|---------------------|
| 1.      | 3906 of<br>2022<br>(St. 2626)          | 16.02.2021                | 51 of 2014        | 30.08.2019          | 18.01.2020                 | 03.09.2019               | 09.12.2019          |
| 2       | 3907 of<br>2022<br>(St. 2625)          | 16.02.2021                | 51 of 2014        | 30.08.2019          | 18.01.2020                 | 03.09.2019               | 09.12.2019          |
| 3.      | <b>3908 of<br/>2022<br/>(St.2376)</b>  | <b>15.02.2021</b>         | <b>27 of 2013</b> | <b>30.08.2019</b>   | <b>14.02.2020</b>          | <b>03.09.2019</b>        | <b>17.12.2019</b>   |
| 4.      | 3909 of<br>2022<br>(St. 2374)          | 16.02.2021                | 51 of 2014        | 30.08.2019          | 18.01.2020                 | 03.09.2019               | 09.12.2019          |
| 5.      | 3910 of<br>2022<br>(St. 2372)          | 16.02.2021                | 51 of 2014        | 30.08.2019          | 18.01.2020                 | 03.09.2019               | 09.12.2019          |
| 6.      | 3911 of<br>2022<br>(St. 2371)          | 16.02.2021                | 51 of 2014        | 30.08.2019          | 18.01.2020                 | 03.09.2019               | 09.12.2019          |
| 7.      | 3913 of<br>2022<br>(St. 2368)          | 16.02.2021                | 51 of 2014        | 30.08.2019          | 18.01.2020                 | 03.09.2019               | 09.12.2019          |
| 8.      | 3914 of<br>2022<br>(St.2365)           | 16.02.2021                | 51 of 2014        | 30.08.2019          | 18.01.2020                 | 03.09.2019               | 09.12.2019          |
| 9.      | <b>3915 of<br/>2022<br/>(St. 2364)</b> | <b>15.02.2021</b>         | <b>27 of 2013</b> | <b>30.08.2019</b>   | <b>14.02.2020</b>          | <b>03.09.2019</b>        | <b>17.12.2019</b>   |
| 10.     | 3916 of<br>2022<br>(St. 2362)          | 16.02.2021                | 51 of 2014        | 30.08.2019          | 18.01.2020                 | 03.09.2019               | 09.12.2019          |
| 11.     | 3919 of<br>2022<br>(St. 2361)          | 16.02.2021                | 51 of 2014        | 30.08.2019          | 18.01.2020                 | 03.09.2019               | 09.12.2019          |
| 12.     | <b>3922 of<br/>2022</b>                | <b>15.02.2021</b>         | <b>27 of 2013</b> | <b>30.08.2019</b>   | <b>14.02.2020</b>          | <b>03.09.2019</b>        | <b>17.12.2019</b>   |

|     |                                |                   |                   |                   |                   |                   |                   |
|-----|--------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
|     | <b>(St. 2359)</b>              |                   |                   |                   |                   |                   |                   |
| 13. | <b>3923 of 2022 (St. 2358)</b> | <b>15.02.2021</b> | <b>27 of 2013</b> | <b>30.08.2019</b> | <b>14.02.2020</b> | <b>03.09.2019</b> | <b>17.12.2019</b> |
| 14. | 3924 of 2022 (St. 2290)        | 16.02.2021        | 51 of 2014        | 30.08.2019        | 18.01.2020        | 03.09.2019        | 09.12.2019        |
| 15. | 3926 of 2022 (St. 2253)        | 16.02.2021        | 51 of 2014        | 30.08.2019        | 18.01.2020        | 03.09.2019        | 09.12.2019        |
| 16. | 3927 of 2022 (St. 2251)        | 16.02.2021        | 51 of 2014        | 30.08.2019        | 18.01.2020        | 03.09.2019        | 09.12.2019        |
| 17. | 3928 of 2022 (St. 2247)        | 16.02.2021        | 51 of 2014        | 30.08.2019        | 18.01.2020        | 03.09.2019        | 09.12.2019        |
| 18. | <b>3929 of 2022 (St. 2246)</b> | <b>15.02.2021</b> | <b>27 of 2013</b> | <b>30.08.2019</b> | <b>14.02.2020</b> | <b>03.09.2019</b> | <b>17.12.2019</b> |
| 19. | 3931 of 2022 (St. 4051)        | 16.02.2021        | 51 of 2014        | 30.08.2019        | 18.01.2020        | 03.09.2019        | 09.12.2019        |

5. The Collector has rejected the application, on the ground that the application is filed belatedly. Undisputedly, section 5 of the limitation act does not apply. It is observed by the Collector in the impugned order that the Petitioner did not receive copy on the date given by the clerk for issuance of copy. For instance in Writ Petition No.3906 of 2022, copy of the application for certified copy was given on 03.09.2019. Date given by the Assistant Superintendent of District Court for receiving certified copy was 18.09.2019. However, the certified copy was ready only on 09.12.2019. In view of that, the period from 03.09.2019 to 09.12.2019 will have to be considered. The said period from the date of Application till the date the copy was ready for issuance will have to be deducted while computing 90 days.

6. If light of above, impugned orders passed by Respondent no.2 are quashed and set aside.

7. Respondent no.2 shall reconsider the said aspect of limitation and all other aspects after hearing all the parties afresh.

8. In the light of the observation made hereinabove, Writ Petitions are disposed of. No costs.

(VINAY JOSHI, J.)

(S.V.GANGAPURWALA, J.)