

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

	(St. 2359)						
13.	3923 of 2022 (St. 2358)	15.02.2021	27 of 2013	30.08.2019	14.02.2020	03.09.2019	17.12.2019
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.	3929 of 2022 (St. 2246)	15.02.2021	27 of 2013	30.08.2019	14.02.2020	03.09.2019	17.12.2019
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.)