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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3308 OF 2021

Shravan Dhondiram Sonawane & Ors. Petitioners

Vs.

State of Maharashtra & Ors. Respondents

Mr. Sachin Gite for the Petitioners
Mrs. M. P. Thakur, AGP for the State

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

DATED : APRIL 8, 2022

P.C.

1 The Application filed by the Petitioners under section 28-A of the Land Acquisition Act, 1894 (**the said Act**) is rejected.

2 We have heard the learned Counsel for the Petitioners and the learned AGP.

3 The only reason for rejection of the Application filed by the Petitioners under Section 28-A of the said Act is that the land of the Petitioners is Jirayat land and the lands involved in the Reference under Section 28-A of the said Act relied

upon by the Petitioners were Bagayat lands.

4 It is the contention of the Petitioners that the land of the Petitioners and the lands subject matter of Reference under Section 18 of the said Act are situated in the same vicinity. They were subject matter of the same Notification under Section 4 of the said Act. The quality and nature of the lands is also same.

5 All these aspect were required to be considered by the Authority while passing the order under Section 28-A of the said Act. It appears that the Dy. Collector (Acquisition), only on the ground that the land of the Petitioners are Jirayat land and the lands subject matter of Reference are Bagayat lands, has rejected the Application.

6 Considering that the Petitioners are rustic agriculturists residing in remote village, we are inclined to grant one more opportunity to them to prove the nature of their land.

7 In the light of that, the impugned order is quashed and set aside.

8 The parties are relegated before the Authority. The Petitioners shall appear before the Authority on 4th May 2022. The Authority shall reconsider the application filed under section 28-A of the said Act on merits and in accordance with law and shall decide it preferably within 9 months from the date of appearance of the Petitioners.

9 The Petitioners are entitled to file additional documents / evidence to substantiate their case.

10 The Writ Petition is accordingly partly allowed. No costs.

(VINAY JOSHI, J.)

(S.V. GANGAPURWALA, J.)