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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.65 OF 2022

Nivrutti Sakharam Mate & Ors. Petitioners

Vs.

State of Maharashtra & Ors. Respondents

Mr. Sachin Gite for the Petitioners
Smt. A. A. Purav, AGP for the State

WRIT PETITION NO.207 OF 2022

Sitabai Tatya Bhoj Petitioner

Vs.

State of Maharashtra & Ors. Respondents

Mr. Sachin Gite for the Petitioners
Mr. S. L. Babar, AGP for the State

WRIT PETITION NO.235 OF 2022

Madhukar Balaji Shinde & Ors. Petitioners

Vs.

State of Maharashtra & Ors. Respondents

Mr. Sachin Gite for the Petitioners
Mr. R. S. Pawar AGP for the State

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

DATED : MARCH 25, 2022

P.C.

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

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

3 The only reason for rejection of the Applications filed by the Petitioners under Section 28-A of the said Act is that the lands of the Petitioners are agricultural lands and the lands involved in the Reference under Section 28-A of the said Act relied upon by the Petitioners were non agricultural lands.

4 It is the contention of the Petitioners that the lands 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 lands of the Petitioners are agricultural lands and the lands subject matter of Reference are non-agricultural, has rejected the Applications.

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 lands.

7 In the light of that, the impugned orders are quashed and set aside.

8 The parties are relegated before the Authority. The Petitioners shall appear before the Authority on 8th April 2022. The Authority shall reconsider the applications 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 Petitions accordingly partly allowed. No costs.

(VINAY JOSHI, J.)

(S.V. GANGAPURWALA, J.)