

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10990 OF 2023

DATTU SUPDU PATIL AND OTHERS
VERSUS
THE GOVERNMENT OF INDIA AND OTHERS

...
Advocate for the Petitioners : Ms.Kale Sakshi Ajit
Standing Counsel for Respondents 1 and 4/UoI : Shri B.M.
Dhanure
AGP for Respondents 2 and 3/State : Shri A.V. Deshmukh
...

CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 11th September, 2023

Per Court :-

1. The Petitioners have received their Award amounts in their respective cases. The Award indicates that they would be at liberty to claim statutory benefits under the Land Acquisition Act, 1894 after the issue is decided by the Hon'ble Supreme Court. Subsequently, the Hon'ble Supreme Court has delivered it's judgment in *Union of India and another vs. Tarsem Singh and others, (2019) 9 SCC 304*.

2. The grievance of the Petitioners is that they have

approached Respondent No.3/ District Collector through their applications in the light of the above. However, since March 2023, these applications are pending without any decision by Respondent No.3.

3. The learned AGP submits that Respondent No.3 may not have the jurisdiction to deal with these applications and the Petitioners may have to approach the Executing Court.

4. We are of the view that, if the District Collector can express an opinion/decision on the pending applications, it would facilitate the Petitioners to avail of a remedy, as may be permissible in law and/or may challenge the decision of Respondent No.3, if they are of the view that the said decision is not sustainable.

5. In view of the above, **this Writ Petition is disposed off**, with the direction to Respondent No.3 to take a decision on the pending applications of the Petitioners.

6. We make it clear that we have not expressed any view as regards the jurisdiction of Respondent No.3. What we desire is that Respondent No.3 would consider the law applicable and take a decision on these applications, leaving it to the Petitioners, thereafter, to adopt a course, as may be advised.

Let such decision be pronounced by Respondent No.3/ District
Collector within 60 days.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)