

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

986 WRIT PETITION NO.12352 OF 2022

- 1] Zakabai @ Chandrakala w/o.
Nanasaheb Pawar,
Died through legal heir
Nanasaheb s/o. Dnyandeo Pawar
Age: 59 years, Occu.: Agril.
R/o. Pimpri, Tq. & Dist. Latur.
- 2] Motibai w/o. Bhaskar Shinde,
Died through legal heirs
 - a) Bibbishan s/o. Bhaskar Shinde
Age: 55 years, Occ.:Agril.

R/o. Pimpari (Amba),
Tq. & Dist. Latur.
- 3] Rukminbai w/o. Jyotiram Bhise,
Died, through her L.Rs. :
As above 1 & 2 (a)
- 4] Saheb s/o. Maruti Pangaonkar,
Age: 61 years, Occ. : Agril.,
R/o. Pimpari Amba,
Tq.& Dist. Latur.
- 5] Shrikrishna s/o. Maruti Pangaonkar,
Died through legal heirs
 - a) Balaji s/o. Shrikrishna Pangaonkar
Age : 50 years, Occ. : agril.,
 - b) Govind s/o. Shrikrishna Pangaonkar
Age : 40 years, Occ. : agril.

Both r/o. Pimpri Amba,
Tq.& Dist. Latur.

- 6] Namdev s/o. Maruti Pangaonkar,
Age: 46 yrs. Occ. : Agril.
R/o. Pimpri Amba,
Tq. & Dist. Latur.

.. PETITIONERS

VERSUS

- 1] State of Maharashtra,
Through Collector, Latur
- 2] Sub-Divisional Officer &
Sub-Divisional Magistrate,
Latur.
- 3] The Executive Engineer,
Minor Irrigation Z.P., Latur.

.. RESPONDENTS

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Mr.S.V.Natu, Advocate for the petitioners.
Ms.R.P.Gaur, AGP for the respondent-State
Mr.P.R.Tandale, Advocate for the respondent no.3.

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CORAM : ARUN R. PEDNEKER, J.

DATE : 29.08.2023

P.C. :

- 1] By way of present Writ Petition, the petitioners
are challenging the order dated 08.02.2022 passed by the
respondent no.2 in File No.2014/LA/CR-49.

2] Heard the learned counsel for the parties.

3] The learned counsel for the petitioners submits that the respondent no.2 Land Acquisition Officer rejected the application under Section 28-A of the Land Acquisition Act filed by the petitioners on the ground that the application filed by the petitioners is barred by limitation, so also, the petitioners had not produced the heirship certificate of the deceased person who is entitled for the compensation. He further submits that he has annexed the heirship certificate along with the present Writ Petition at Page-35. He further submits that the application filed before the Land Acquisition Officer under Section 28A of the Land Acquisition Act was within limitation. He further submits that the period of obtaining certified copies of 43 days was not excluded in computing period of limitation and accordingly error is committed by the respondent no.2 in computing the period of limitation.

4] He submits that the application under Section 28-A of the Land Acquisition Act is filed on the basis of the judgment and order passed on 23.11.2005. The application is filed on 13th March, 2006. The petitioners had applied for the certified copy of the judgment and order on 02.12.2005 and the copy was obtained on 13th January, 2006. He further submits that excluding the period spent in obtaining

the certified copy i.e. 43 days, the application was filed within period of limitation and as such 43 days were required to be excluded from the period of limitation.

5] In the instant case, the application under Section 28-A of the Land Acquisition Act is filed after 112 days of the date of the order. If the period in obtaining the certificate copies i.e. 43 days is excluded, the application filed by the petitioners is within limitation i.e. 69 days and as such the application filed under Section 28-A of the Land Acquisition Act is within limitation and thus the application is restored to the file of the respondent no.2.

6] The petitioners are permitted to file heirship certificate before the concerned Authority. The Authority to decide the application under Section 28-A of the Land Acquisition Act in accordance with law. The present Writ Petition is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

DDC