

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15373 OF 2022

Maharashtra Krishna Valley Development

Corporation Ltd.

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Ms. Chaitrali Deshmukh for the Petitioner.

Mr. Rajan s. Pawar, AGP for the Respondent Nos. 1 to 3.

**CORAM:- R.D. DHANUKA &
GAURI GODSE, JJ.**

DATE :- 03 APRIL, 2023.

P. C.:

1. This petition is filed for challenging the common award dated 30th November, 2018 passed under Section 28 A (1) of the Land Acquisition Act, 1894. The Petition is filed by acquiring body on the ground that the reference made under Section 28 A (1) of the said Act was filed beyond the period of limitation. There is an affidavit-in-reply filed on behalf of Respondent Nos. 1 to 3, thereby stating that the limitation to file an Application under Section 28 A (1) of the said Act would end on 20th July, 2000.

2. It is further stated in the affidavit-in-reply that all the Applications filed under Section 28 A (1) of the said Act were filed on 30th May, 2000. It is thus stated on behalf of Respondent No.1 that all the Applications that were filed under Section 28 A (1) are within the period of limitation. The affidavit-in-reply filed on behalf of Respondent Nos. 1 to 3 also provides for the details with respect to the date of Application filed under Section 28 A (1) along with the dates with respect to certified copies of judgment in land reference No. 134 of 1993 with each Section 28 A (1) Application. The said affidavit-in-reply further provides the details with respect to the certified copies of the judgment that were submitted along with the note provided by the District Court which provided for date on which the Application was made for the certified copy of the judgment and the date on which the certified copy of judgment was received. With these particulars, it is stated that the Application that were filed under Section 28 A (1) were within the period of limitation.

3. There is no affidavit-in-rejoinder filed on behalf of the Petitioner, disputing these dates with respect to filing of certified copies and Application filed within the period of limitation.

Learned advocate appearing for the Petitioner was unable to dispute these facts which are stated in the affidavit-in-reply filed on behalf of Respondent Nos.1 to 3. Since the Petition is filed on the ground that the Applications that were filed under Section 28 A (1) were beyond the period of limitation, in view of the statements made in the affidavit-in-reply filed on behalf of Respondent Nos. 1 to 3, there is no reason to interfere with the Petition thereby challenging the common award under Section 28 A (1) of the Land Acquisition Act, 1894 on the ground of being barred by limitation.

4. For the reasons stated above, there is no merit in the Writ Petition and hence the Writ Petition is dismissed. No order as to costs.

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(GAURI GODSE, J.)

(R.D.DHANUKA, J.)