

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.114 OF 2023

Dhanraj S/o Maroti Karmenge, Village Kora, Tahsil Samudrapur, Dist. Wardha and ors.

-vs-

The State of Maharashtra, Thr. Collector, Wardha and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri D. R. Bhoyar, Advocate for petitioners.

Smt S. S. Jachak, Assistant Government Pleader for respondent Nos.
1 and 2.

CORAM : A. S. CHANDURKAR AND MRS VRUSHALI V. JOSHI, JJ.

DATE : January 06, 2023

Rule. Rule made returnable forthwith.

Learned Additional Government Pleader waives notice for
respondent Nos.1 and 3. Notice on respondent No.2 is
dispensed with in view of the order proposed to be passed.

The petitioners pray for a direction to be issued to the
respondent No.3-Special Land Acquisition Officer to decide the
application under Section 28A of the Land Acquisition Act, 1894
that has been filed in the year 2012. In the said proceedings the
petitioners sought enhancement in the amount of compensation
pursuant to the adjudication of LAC No.149/2004. That award
was the subject matter in First Appeal No.1253/2013 which
came to be withdrawn on 17/03/2019. On 09/12/2019 the
petitioners informed the office of the Collector that the aforesaid
first appeal has been withdrawn and therefore the proceedings
be decided. The application under Section 28A of the Act of
1894 is however pending.

In the aforesaid facts, the following order would serve the
interests of justice :

The petitioners through their authorised representative shall appear before the respondent No.3-Special Land Acquisition Officer on 23/01/2023. They shall produce a certified copy of the order dated 17/03/2019 in First Appeal No.1253/2013. After considering the same, the respondent No.3 shall decide the application preferred under Section 28A of the Act of 1894 within a period of six weeks from that date in accordance with law.

The writ petition is disposed of with aforesaid directions.

No costs.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)

Asmita