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

919 WRIT PETITION NO. 2487 OF 2024

**BALAJI SUBHASH GORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR AND OTHERS**

....

Mr Ramraje A. Deshmukh, Advocate for Petitioner;
Mr S. K. Tambe, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
R. M. JOSHI, JJ.**

DATE : 15th March, 2024

PER COURT:

1. The Petitioner has put forth prayer clauses (B) and (C), which read as under :-

“B. By issuing writ of certiorari or any other appropriate writ, order directions in the like nature, the impugned order dated 06.10.2023 passed by the Respondent no.2 thereby rejecting the Application filed under section 28A of land Acquisition act may kindly be quashed and set aside and please to remanding back the matter with the Respondent no.2 for fresh consideration;

C) By issuing writ of Mandamus or any other appropriate writ, order or directions may kindly be directed to the Respondent no.2 to decide the Application dated 3.10.2023 filed by the petitioner under section 28A of land acquisition act afresh by giving opportunity of hearing to the petitioner;”

2. Heard the learned Advocates for the respective sides.

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3. There is no dispute that the impugned order dated 06/10/2023 has been passed on the ground of delay, thereby concluding that there is no provisions for condoning the delay in the matters filed under Section 28A of the Land Acquisition Act, 1894.

4. The learned A.G.P. points out the judgment delivered by this Court in **Sheshabai @ Subhadrabai Gyanoba Madale Vs. State of Maharashtra and others, [2024 (1) Mh.L.J. 317]** and a subsequent order dated 22/02/2024, passed by this Court, relying on Sheshabai (supra), in Writ Petition No.313/2024, filed by Kashinath Janardhan Khavne Vs. State of Maharashtra and others.

5. Considering the above, we have no option but to dispose off this Writ Petition, considering the judicial pronouncements in **Tota Ram VS. State of Uttar Pradesh and others, [(1997) 6 SCC 280]; State of Andhra Pradesh and Another Vs. Marri Venkaiah and others [AIR 2003 SC 2949]; Popat Bahiru Govardhane etc. Vs. Special Land Acquisition Officer and another, 2013 (6) Mh.L.J. (SC) 950 = 2013 AIR SCW 6550; Narayan Dhondu Sarode, dead, through LRs and**

(3)

others Vs. the Collector, Jalgaon and another, 2019 Mh.L.J. Online (SC) 240; Bir Wati and others Vs. Union of India and others, 2017 Mh.L.J. Online (SC) 216 = 2017 (16) SCC 548; and Parasmal Kunjilal Jain Vs. State of Maharashtra and another, 2014 Mh.L.J. Online 203 = 2015 (7) ALL MR 320, etc.

6. As such, **this Writ petition is disposed off.**

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

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