



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1804 OF 2024

Baliram Devrao Sargar

.. Petitioner

versus

The State of Maharashtra
& others

.. Respondents

Mr. D. R. Jayabhar, Advocate for the Petitioner.
Mr. P. K. Lakhotiya, AGP for the State.

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

DATE : 22nd MARCH, 2024.

PER COURT :

1. The learned AGP submits that the entire record pertaining to the purported application of the Petitioner under Section 28A of the Land Acquisition Act, 1894 is untraceable. His Officers have carried out a search in the records. The land acquisition dates back to 1980. The Petitioner claims to have tendered an Application under Section 28A of the Act in the year 1992. The record regarding Beed and Ambajogai Division is available with the authority at Majalgaon. A herculean effort to trace out the application purportedly filed by the Petitioner was undertaken by the

authority. He submits that there is no application by date 6th January, 1992 filed through Advocate Mr. N.R. Dhepe, Beed.

2. The learned Advocate for the Petitioner submits that, since the Advocate did not communicate any progress on the said application, the Petitioner has approached this Court after 32 years.

3. The law on declining to entertain belated applications under Section 28A of the Land Acquisition Act, 1894 is settled in the following judgments :

- (i) Bir Wati and others vs. Union of India and another
(2017) 16 SCC 548
- (ii) Tota Ram vs. State of Uttar Pradesh and others
(1997) 6 SCC 280
- (iii) Union of India vs. Mangatu Ram
AIR 1997 SC 2704
- (iv) State of Andhra Pradesh and another vs. Marri Venkaiah
and others
AIR 2003 SC 2949
- (v) Jose Antonio Cruz Dox vs. L.A.O.
AIR 1997 SC 1915.
- (vi) Popat Bahiru Govardhane etc. vs. Special Land Acquisition
Officer and another
2013 AIR SCW 6550
- (vii) The Martin Burn Ltd. vs. The Corporation of Calcutta
AIR 1966 SC 529

- (viii) Parasmal s/o Kunjilal Jain vs. The State of Maharashtra and another
2015(7) ALL MR 320
- (ix) Narayan s/o Dhondu Sarode, Dead through LRs and others vs. The Collector, Jalgaon and another
Judgment dated 27.11.2019 in Civil Appeal No. 1632/2011 (Supreme Court)
- (x) Sheshabai @ Subhadrabai w/o Gyanoba Madale vs. State of Maharashtra and others
2024(1) Mh.L.J. 317.

4. In view of the above, **this Writ Petition is disposed off.**
In the event the Petitioner traces out some details about the acknowledgement of the Application, which may indicate that a proposal was actually tendered to the said office, we grant him liberty to file an Application in this disposed off Petition for seeking appropriate orders.

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

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