



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

WRIT PETITION NO. 9584 OF 2024

**TANSINGH ROHIDAS GIRASE DEAD THR LRS NARAYAN
TANSINGH GIRASE AND OTHERS**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS DISTRICT
COLLECTOR AND OTHERS**

....

Mr. V. B. Patil, Advocate for the Petitioners

Mr. M. M. Nerlikar, AGP for the Respondent – State

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 06.09.2024

PER COURT :-

1. "Confusion most confounded", is a famous proverb.
2. Having heard the learned Advocates for the respective sides, the record reveals that the legal representative representing the Petitioners before the authorities below, is said to have filed two Applications. This issue is contentious, though it would not be germane for a decision in this Writ Petition. Suffice it to say that the first L.A.R. award in the Writ project was delivered on 24.12.2021, under Section 18 of the Land Acquisition Act, 1894 in L.A.R. No.4 of 2012. The Petitioners' first Application under

Section 28A, dated 08.03.2022, is said to have been received by the competent authority on 09.03.2022. It is undisputed that the limitation period is of 90 days. The Petitioners' Application under Section 28A, was on the 75th day. Yet, vide the impugned order dated 05.09.2023, the Deputy Collector, Land Acquisition, Dhule, has concluded that the Application of these Petitioners is belatedly filed. Had the Application been filed beyond the limitation period, the judgment delivered by this Bench in *Sheshabai @ Subhadrabai Gyanoba Madale Vs. The State of Maharashtra, 2024 (1) Mh.L.J. 317*, would have been applicable. Since we find from the record and since the dates and events are undisputed, the Petitioners' Application, filed on the 75th day, therefore, was within limitation.

3. In the light of the above, **this Writ Petition is partly allowed.** The impugned order dated 05.09.2023 to the extent of these Petitioners, is quashed and set aside and their proceedings are restored to the file of Respondent No.2. The parties shall appear before Respondent No.2, on 25.09.2024, at 11.00 a.m. Thereafter, the said Authority would deal with the matter on its own merits. So also, the concerned Authority shall take into account the first award dated 24.12.2021, delivered in L.A.R. No.4 of 2012.

4. Needless to state, the second Application purportedly filed by the Petitioners on 24.03.2023, based on the decision delivered in L.A.R. No.4 of 2012, shall be ignored and stands disposed off.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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