



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10176 OF 2024

KALIDAS KASHINATH TODKARI DIED HIS LRS KUSUMBAI
KALIDAS TODKARI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND
ANOTHER

....

Mr. P. B. Rakhunde, Advocate for the Petitioners

Mr. A. B. Girase, Government Pleader for Respondent – State

....

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

DATE : 19.09.2024

PER COURT :-

1. The Petitioners pray that their pending Application under Section 28A of the Land Acquisition Act, 1894 be decided within a timeline.

2. The Hon'ble Supreme Court in case of *Ramsinghbhai Jerambhai vs. The State of Gujrat, AIR 2018 SC 2629*, has settled the law that if a First Appeal against enhancement granted by the LAR Court under Section 18 of the Act, is pending before the

Single Judge Bench of the High Court, the proceeding under Section 28A of the Act should be adjourned *sine die*.

3. In view of the above, **this Writ Petition is disposed off** with the observation that if the First Appeal in relation to the LAR case, is pending before the High Court, the proceeding initiated by the Petitioner under Section 28A of the Act, shall be adjourned until the First Appeal is decided. After the First Appeal is decided, this proceeding shall be concluded with a period of six months by following the due procedure laid down in law.

4. In the event a First Appeal has not been filed or has been filed and is decided, the proceeding initiated by these Petitioners under Section 28A, shall be decided within a period of 180 days by following the due procedure as laid down in law.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS