



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 WRIT PETITION NO. 10819 OF 2024

Machhindra Nivrutti Khalage (died Through L.Rs.)

Rahul Machindra Khalage

VERSUS

The State of Maharashtra and others

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Advocate for the Petitioner : Mr. D.R. Shelke

AGP for Respondents: Mr. S.R. Wakale

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

DATED : 1st OCTOBER, 2024.

PER COURT :-

1. It is an admitted position that the order for Reference passed under Section 18 of the Land Acquisition Act, 1894 (for short "the said Act"), is dated 18.10.2023. It is also an admitted position that the proceedings under Section 28(A) of the said Act have been instituted on 18.04.2024, which is around 180 days.

2. The basic award is dated 30.03.1989. In the first proceeding i.e. L.A.R. No. 614 of 1989, the concerned Court delivered an order on 30.07.1994, under Section 30 of the said Act. The L.A.R. No. 134 of 2020 was registered under Section 18 of the said Act. The redetermination was made on 18.10.2023.

3. Considering the view of the Hon'ble Supreme Court in **SLP (Civil) 14700 of 2015 and Civil Appeal No. 17323 of 2017 (Karam Chand (dead) by LR's and Another Vs. The State of Himachal Pradesh and another)** and judgment of this Court in **Writ Petition No. 52 of 2022 (Sheshabai @ Subhadrabai w/o Gyanoba Madale vs. The State of Maharashtra and others)**, delivered on 17.08.2023, it is apparent that the proceedings under Section 28A was lodged after 180 days. Deducting 90 days of the limitation, the proceeding was delayed by 90 days

4. In view of above, we do not find this to be a fit case for exercise our writ jurisdiction. **This petition is, therefore, dismissed.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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