

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7632 OF 2024

Vedant Nitin Chothave and others
Versus
The State of Maharashtra and others

Petitioners
Respondents

Dr.Ramdas Sabban with Mr.Pravin Sabban i/by Mr.Shrikant Kompelli for
Petitioners.
MsP.J.Gavhane,AGP, for State.
Mr.Prshant Chavan, Senior Advocate, with Ms.Komal Jadhav, Ms.Kinjal Jain i/by
Navdeep Vora & Associates for Respondent no.3.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 7th October 2025

P.C.

1. This petition is filed under Article 226 of the Constitution of India
praying for the following substantive relief :-

“a. This Hon’ble court be pleased to issue a writ of Mandamus or a writ in the nature of Mandamus or any other appropriate writ, direction or order directing the Respondent no.1 to 3 to decide the petitioners’ Applications dtd. 20/04/2012 filed U/s. 28(A) and further direct the respondent no.1 to 3 to Declare the Award U/s 28 (A) on the basis of award made by the reference court under part III dated 05/03/2012 and so also to make payment of compensation on the basis of the aforesaid award of the reference court.

b. Costs of this writ petition be provided to the Petitioners.”

2. The Petitioners are primarily aggrieved by the inaction on the part of the
Respondent authorities mainly Respondent Nos. 1 to 3 in not deciding the

Petitioners' application dated 20th July 2012 filed under section 28(A) of the Land Acquisition Act, 1894 and further to direct the Respondent nos.1 to 3 to declare the award under Section 28(A) on the basis of award made by the reference Court under Part-III, dated 5th March 2012.

3. It is the Petitioners contention that in the year 1994 Respondent No.2 after issuing notice under section 11 of the Land Acquisition Act 1894, declared the award. Land owners covered by the notification and award, preferred LR No. 223/2004 for enhancement of compensation under section 18 of the Land Acquisition Act 1894. In 2012, Ld. Civil Judge Senior Division, Nashik decided the said Land Acquisition Reference on 5th March 2012. It is in pursuance of the above reference that the Petitioner had time and again requested Respondent Nos.1 to 3 to decide the application dated 20th April 2012 filed under section 28A of the Land Acquisition Act, 1894 expeditiously. It has been brought to our notice by Mr. Prashant Chavan, learned Senior Counsel appearing on behalf of R3 that there is a likelihood that some proceedings are pending in respect of the aforesaid award under Section 28A of Land Acquisition Act, 1894. In the event any proceedings are pending in respect of the aforesaid award, all contentions in respect thereof are kept open.

4. It is the Petitioner's anxiety that if such application is not taken to its logical conclusion, grave prejudice will be caused to the Petitioners and the same therefore ought to be looked into and decided in an expeditious manner and as the law would mandate.

5. In our view, considering the limited relief the petitioners seeks in the

petition and although there being no written opposition/reply of the respondents, considering the nature of the orders we propose to pass, no prejudice would be caused to the respondents. The following order would serve the ends of justice:-

ORDER

(i) Respondent no.1 to 3 shall consider and decide the pending Application of the Petitioner dated 20th April 2012 filed under Section 28 (A) of the Land Acquisition Act, 1894 as expeditiously as possible and preferably within a period of four weeks from the date this order is made available to the said respondent to the said respondent by the Petitioners. Let all parties be heard.

(ii) All rights and contentions of the parties are expressly kept open.

(iii) Writ petition is disposed of in the above terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)