IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2714 OF 2024

(Babarao S/o Pandu Urwate & Ors.

Vs.

The State of Maharashtra, Thr. Collector, Yavatmal & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. M.A. Sable, Advocate for the Petitioners.
Mr. S.M. Ukey, Addl.GP for the Respondents/State.

CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATED : 21st MARCH, 2025

1. Heard Mr. Sable, learned Counsel for the Petitioners and Mr. Ukey, learned Addl.GP for the Respondents/State.

2. The learned Addl.GP for the Respondents/State, has tendered across the bar an affidavit in response to the notice issued in the Petition.

3. On 18.03.2025, we had recorded the following position:

> *"The only ground on which the applications under Section 28-A of the Land Acquisition Act, 1894 filed by the petitioners, for revising the compensation at par which has been granted to persons similarly situated, as is discernible from the impugned*

> *communication dated 05-9-2022 (Page No. 108), is that the applications, did not bear the signatures and date of the petitioners. The impugned communication, indicates that the applications have been received by the respondent No.2. Since the above is the only ground, he could have obtained the signatures of the petitioners as that would have been a formality, on account of the fact that receipt of the applications is not disputed. The rejection is only on that count. This is an action, which is correctable, and does not go to the root of the matter, which could have been done by the respondent No.2."*

4. The same stand, which is reflected from the impugned order dated 05.09.2022 (page 108), is reiterated in the reply. We find, that the objections on which the application under Section 28-A of the Land Acquisition Act, 1894 came to be rejected, are curable defects and considering the nature of the statue which is beneficial in nature, it was necessary for the concerned Land Acquisition Officer, to grant an opportunity to the Petitioners to make according corrections. In fact, the communication dated 09.06.2016 (page 34), indicates the submission of all the applications duly signed with the requisite documents, which could also have taken into consideration by the Respondent No.2. Since that has not been done and the opportunity to make the appropriate corrections, has not been granted, we hereby quash and set aside the impugned order dated 05.09.2022 (page 108) and remit the matter back to the Respondent No.2 to grant an opportunity to the Petitioners, to carryout the corrections sought from them and then to process the application under Section 28-A of the Land Acquisition Act, 1894 in terms of the law as applicable.

5. The Petition is accordingly **allowed** in the above terms. No costs.

6. Pending application/s, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.) **(AVINASH G. GHAROTE, J.)**

SD. Bhimte

Signed by: Mr.S.D.Bhimte
Designation: PA To Honourable Judge
Date: 21/03/2025 18:12:06