



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

WRIT PETITION NO. 3815 OF 2024

(Khushal Mahadeo Zate & Ors.

Vs.

State of Maharashtra, Revenue and Forest Department, Thr. Collector
Nagpur & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.V. Gaikwad, Advocate for the Petitioners.
Mr. Aalap Palshikar, AGP for the Respondent Nos. 1 & 2/State.
Mr. J.B. Kasat, Advocate for the Respondent No.3.

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

DATED : 10th FEBRUARY, 2025

Heard.

2. Though a claim is made by Mr. Kasat, learned Counsel for the Respondent No.3, that there has been a compromise between the Petitioners and Respondent No.3, for which he relies upon the documents at page 83 to 88, however, what we find upon perusal of the same, is that they are undated, so also there is no reference, to any claim made by the Petitioners under Section 28-A of the Land Acquisition Act, on account of which, their very veracity becomes doubtful and questionable. We are therefore not ready to accept that the Petitioners have entered into compromise with the Respondent No.3, as Mr. Gaikwad, learned Counsel for the Petitioners, staunchly denies the same.

3. The reply of the Respondent Nos. 1 and 2, dated 31.08.2024 in para 7, categorically states that a draft award, under the provisions of Section 28-A of the Land Acquisition Act, 1894 for redetermining the amount of compensation in terms of the judgment and order dated 11.06.2008 in LAC No.340/1993 and 427/1993, was prepared by the Land Acquisition Officer, which was also forwarded to the Respondent No.3/MIDC and a demand for the funds in terms thereof was made on 07.03.2017 (page 73).

4. This would indicate to us, that the claim of the Petitioners under Section 28-A of the Land Acquisition Act, has not been fructified, in view of which, since that is the only relief claimed, we direct the Respondent No.2, to decide the claim of the Petitioners, in terms of the law 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.)