

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13428 OF 2022
WITH
WRIT PETITION NO.5683 OF 2023
WITH
WRIT PETITION NO.5680 OF 2023
WITH
WRIT PETITION NO.5675 OF 2023
WITH
WRIT PETITION NO.5677 OF 2023
WITH
WRIT PETITION NO.12922 OF 2022
WITH
WRIT PETITION NO.12935 OF 2022
WITH
WRIT PETITION NO.13430 OF 2022
WITH
WRIT PETITION NO.13426 OF 2022
WITH
WRIT PETITION NO.13418 OF 2022
WITH
WRIT PETITION NO.13416 OF 2022
WITH
WRIT PETITION NO.13563 OF 2022
WITH
WRIT PETITION NO.5679 OF 2023
WITH
WRIT PETITION NO.12914 OF 2022
WITH
WRIT PETITION NO.5678 OF 2023
WITH
WRIT PETITION NO.12917 OF 2022
WITH
WRIT PETITION NO.13464 OF 2022
WITH
WRIT PETITION NO.5682 OF 2023
WITH
WRIT PETITION NO.5681 OF 2023
WITH
WRIT PETITION NO.5676 OF 2023
WITH
WRIT PETITION NO.13476 OF 2022

Chandrakant Laxman Khutade and Others ...Petitioners
vs.
The Competent Authority Cum Deputy
Collector and Others ...Respondents

Mr. N.V. Bandiwadekar, Senior Advocate a/w. Mr. Vinayak Kumbhar
i/b. Ms. Ashwini Bandiwadekar, for the Petitioners.
Mr. A.P. Vanarse, AGP for the Respondent Nos. 1 to 3-State.

CORAM : N. J. JAMADAR, J.
DATE : AUGUST 17, 2023

P.C.:

1. Heard the learned counsel for the parties.
2. The challenge in these petitions is to a common order dated 16th November, 2021 passed in Appeal/Desk/DFCCIL/173/2019 by the learned Arbitrator and Additional Commissioner, Konkan Division, Mumbai whereby the Land Reference Application preferred by the petitioners aggrieved by the determination by the competent authority under section 20F(6) of the Railways Act, 1989 came to be dismissed as barred by limitation.
3. The question as to whether the application could have been dismissed by the Arbitrator by applying the provisions of Article 137 of the Limitation Act, arises for consideration.
4. Hence, issue notice to the respondents returnable 5th October, 2023.

5. Learned AGP waives notice for respondent Nos. 1 and 3.

6. In addition to Court notice, the petitioners are at liberty serve respondent No. 2 by private service and file affidavit of service.

(N. J. JAMADAR, J.)