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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

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WRIT PETITION NO.504 OF 2020

Dattatray T. Mhatre ...Petitioner
V/s.
The Special Land Acquisition Officer & Ors. ...Respondents

Mr.Rahul Thakur with Mr.Sanket Thakur for the Petitioner.

Mrs.M.S. Bane, AGP for the State – Respondent.

CORAM : R.D. DHANUKA &
M.M. SATHAYE , JJ.
DATE : 21ST DECEMBER, 2022.

P.C. :-

1. The short grievance of the petitioner in this petition is that the notification under section 4 of the Land Acquisition Act was issued after commencement of The Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 followed by an award also purportedly under the provisions of the Land Acquisition Act, 4894. The petitioner has impugned the award on the ground of lack of jurisdiction of the Land Acquisition Officer to make an award under the Land Acquisition Act, 1894 after commencement of The Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013. In our

prima-faice view, there is substance in the submission made by the learned counsel for the petitioner. Though several adjournments are granted to the respondents to file affidavit in reply, no affidavit in reply is filed till date.

2. As and by way of last indulgence, time to file affidavit in reply is extended by three weeks from today with a copy to be served upon the petitioner's advocate simultaneously. Rejoinder, if any, shall be filed within two weeks thereafter.

3. Place the matter on board for admission on 6th February, 2023. Till next date the respondents are restrained from taking physical possession of the petitioner's land described in prayer clause (e) of the petition. Learned AGP to communicate this order to the respondents for information and compliance. Parties to act on the authenticated copy of this order.

(M.M. SATHAYE , J.)

(R.D. DHANUKA, J.)