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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO. 279 OF 2015

Babu Laxman Golewar,
Age: 51 years, Occu: Agri.,
Residence of Village-Belkoni(Bk.),
Taluka-Biloli, District Nanded ..APPLICANT

VERSUS

1. The State of Maharashtra,
through Collector,
Nanded
2. The Special Land Acquisition
Officer, P.T. & M.I.W-II,
Nanded
3. The Executive Engineer,
Medium Project Division,
Nanded ..RESPONDENTS

WITH

CIVIL REVISION APPLICATION NO. 278 OF 2015

Noorkhan Maheboob,
Age: 46 years, Occu: Agri.,
Residence of Village-Belkoni(Bk.),
Taluka-Biloli, District Nanded ..APPLICANT

VERSUS

1. The State of Maharashtra,
through Collector,
Nanded
2. The Special Land Acquisition
Officer, P.T. & M.I.W-II,
Nanded

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3. The Executive Engineer,
Medium Project Division,
Nanded ..RESPONDENTS

**WITH
CIVIL REVISION APPLICATION NO. 280 OF 2015**

Suryakant s/o Kishanrao Tarkante,
Age: 31 years, Occu: Agri.,
Residence of Village-Belkoni(Bk.),
Taluka-Biloli, District Nanded ..APPLICANT

VERSUS

1. The State of Maharashtra,
through Collector,
Nanded
2. The Special Land Acquisition
Officer, P.T. & M.I.W-II,
Nanded
3. The Executive Engineer,
Medium Project Division,
Nanded ..RESPONDENTS

**WITH
CIVIL REVISION APPLICATION NO. 281 OF 2015**

1. Koinbee Ismail,
Age: 51 years, Occu: Household,
Residence of Village-Belkoni(Bk.),
Taluka-Biloli, District Nanded
2. Jaffarshah s/o Jamanshah,
Age: 66 years, Occu: Agri.,
Residence of Village-Belkoni(Bk.),
Taluka-Biloli, District Nanded ..APPLICANTS

VERSUS

1. The State of Maharashtra,
through Collector,
Nanded

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2. The Special Land Acquisition
Officer, P.T. & M.I.W-II,
Nanded

3. The Executive Engineer,
Medium Project Division,
Nanded

..RESPONDENTS

WITH

CIVIL REVISION APPLICATION NO. 282 OF 2015

1. Babumiya Maheboob,
Age: 71 years, Occu: Agri.,

2. Pashamiya Maheboob,
Age: 65 years, Occu: Agri.,
Residence of Village-Belkoni(Bk.),
Taluka-Biloli, District Nanded ..APPLICANTS

VERSUS

1. The State of Maharashtra,
through Collector,
Nanded

2. The Special Land Acquisition
Officer, P.T. & M.I.W-II,
Nanded

3. The Executive Engineer,
Medium Project Division,
Nanded

..RESPONDENTS

WITH

CIVIL REVISION APPLICATION NO. 283 OF 2015

1. Rajeshwar s/o Laxman Tarkante,
Age: 36 years, Occu: Agri.

2. Purushottam Laxman Tarkante,
Age: 34 years, Occu: Agri.

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3. Madhav s/o Sayanna Tarkante,
Age: 31 years, Occu: Agri.
4. Vitthal s/o Sayanna Tarkante,
Age: 29 years, Occu: Agri.

All Residence of Village
Belkoni(Bk.), Taluka-Biloli,
District Nanded

..APPLICANTS

VERSUS

1. The State of Maharashtra,
through Collector,
Nanded
2. The Special Land Acquisition
Officer, P.T. & M.I.W-II,
Nanded
3. The Executive Engineer,
Medium Project Division,
Nanded

..RESPONDENTS

WITH

CIVIL REVISION APPLICATION NO. 284 OF 2015

1. Sayed Samir s/o Sayed Kaisar,
Age: 16 years/Minor
2. Sayed Saffi s/o Sayed Kaisar,
Age: 14 years/Minor
3. Sayed Omar s/o Sayed Kaisar,
Age: 11 years/ Minor

Applicant Nos.1 to 3 being minors
under guardianship of real mother
Zaheerabegum w/o Sayed Kaisar,
Age: 36 years, Occu:Household/Agri.,
All R/o Belkoni(Bk.),
Taluka-Biloli, District Nanded ..APPLICANTS

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VERSUS

1. The State of Maharashtra,
through Collector,
Nanded
2. The Special Land Acquisition
Officer, P.T. & M.I.W-II,
Nanded
3. The Executive Engineer,
Medium Project Division,
Nanded

..RESPONDENTS

WITH

CIVIL REVISION APPLICATION NO. 285 OF 2015

Kishan s/o Sayanna Dubbewar,
Age: 41 years, Occu: Agri.,
Residence of Village-Belkoni(Bk.),
Taluka-Biloli, District Nanded

..APPLICANT

VERSUS

1. The State of Maharashtra,
through Collector,
Nanded
2. The Special Land Acquisition
Officer, P.T. & M.I.W-II,
Nanded
3. The Executive Engineer,
Medium Project Division,
Nanded

..RESPONDENTS

WITH

CIVIL REVISION APPLICATION NO. 286 OF 2015

1. Survar s/o Babansab,
Age: 72 years, Occu: Agri.
R/o Belkoni(Bk.),
Taluka-Biloli, District Nanded

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2. Rasool s/o Babansab,
Age: 67 years, Occu:Agri.,
R/o Belkoni(Bk.),
Taluka-Biloli, District Nanded ..APPLICANTS

VERSUS

1. The State of Maharashtra,
through Collector,
Nanded
2. The Special Land Acquisition
Officer, P.T. & M.I.W-II,
Nanded
3. The Executive Engineer,
Medium Project Division,
Nanded ..RESPONDENTS

WITH

CIVIL REVISION APPLICATION NO. 291 OF 2015

- Sow. Prabhavati w/o Vithalrao Khunte,
Age:58 years, Occu: Household/Agri.,
R/o Belkoni(Bk.),Taluka-Biloli,
District Nanded ..APPLICANT

VERSUS

1. The State of Maharashtra,
through Collector,
Nanded
2. The Special Land Acquisition
Officer, P.T. & M.I.W-II,
Nanded
3. The Executive Engineer,
Medium Project Division,
Nanded ..RESPONDENTS

WITH

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CIVIL REVISION APPLICATION NO. 292 OF 2015

1. Renukabai w/o Baburajesh Khunte,
Age: 34 years, Occu: Household/Agri.,
R/o Belkoni(Bk.), Taluka-Biloli,
District Nanded
2. Sushilabai w/o Ramrao Khunte,
Age: 61 years, Occu: Household/Agri.,
R/o Belkoni(Bk.), Taluka-Biloli,
District Nanded ..APPLICANTS

VERSUS

1. The State of Maharashtra,
through Collector,
Nanded
2. The Special Land Acquisition
Officer, P.T. & M.I.W-II,
Nanded
3. The Executive Engineer,
Medium Project Division,
Nanded ..RESPONDENTS

WITH

CIVIL REVISION APPLICATION NO. 293 OF 2015

1. Shabana Begum w/o Sayed Masood,
Age: 48 years, Occu: Household,
2. Sayed Asif Sayed Hanif,
Age: 41 years, Occu: Agri.,
3. Sayed Latif Sayed Hanif,
Age: 39 years, Occu: Agri.,
4. Sayed Yousuf s/o Sayed Hanif,
Age: 32 years, Occu: Agri.,
5. Sayed Maheboob Sayed Masood,
Age: 30 years, Occu: Agri.,

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6. Sayed Maksood Sayed Masood,
Age: 26 years, Occu: Agri.,

All R/o Belkoni(Bk.),
Taluka-Biloli, District Nanded ..APPLICANTS

VERSUS

1. The State of Maharashtra,
through Collector,
Nanded
2. The Special Land Acquisition
Officer, P.T. & M.I.W-II,
Nanded
3. The Executive Engineer,
Medium Project Division,
Nanded

..RESPONDENTS

Mr Nitin S. Choudhari, Advocate for applicants;
Ms R.P.Gaur, Mr A.M. Phule, Mr C. V. Dharurkar,
Assistant Government Pleaders for respondent/State

CORAM : N.W. SAMBRE, J.

DATE : 14th JUNE, 2017

ORAL ORDER :

Mr. Choudhari, learned Counsel for the applicants has invited attention of this Court to the order dated 18th June, 2013 pronounced in Civil Revision Application No. 53 of 2013 and other companion matters. He would urge that the factual matrix in the matters which are decided by the said

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judgment and present applications are identical and the Court should dispose of these applications in terms of the said order.

2. Learned Assistant Government Pleaders appearing for the respondent Nos. 1 and 2 would oppose the claim on the ground that Section 18 of the Land Acquisition Act is a Code in itself, which provides for limitation. Once the Court originally armed with power to deal with the Reference for enhancement under Land Acquisition Act is not clothed with power to condone delay, this Court in revisional jurisdiction should not interfere with. It cannot be inferred in the above factual background that there is failure to exercise jurisdiction.

3. The limitation as prescribed under sub Section (2) of Section 18 of the Land Acquisition Act is of six weeks from the date of Collector's Award, if the claimant was present or represented before the Collector or within six weeks from the

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date of receipt of notice from the Collector under section 12(2) or within six months from the date of Collector's Award whichever period expire first.

4. In the background of said provision and limitation prescribed therein, the Apex Court had occasion to consider the issue of limitation and interpretation thereof, in the judgment of **Bhagwan Das and others vs State of Uttar Pradesh and others** reported in **2010(3) SCC 545**, particularly paragraphs-25 to 28 thereof, which read thus :

"25. Invariably, the land loser is required to make an application under section 18 of the Act to get the market value as compensation. The land loser does not get a right to seek reference to the civil court unless the award is made. This means that he can make an application seeking reference only when he knows that an award has been made.

26. If the words six months from the `date of the Collector's award' should be literally interpreted as referring to the

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date of the award and not the date of knowledge of the award, it will lead to unjust and absurd results. For example, the Collector may choose to make an award but not to issue any notice under section 12(2) of the Act, either due to negligence or oversight or due to any ulterior reasons. Or he may send a notice but may not bother to ensure that it is served on the land owner as required under section 45 of the Act. If the words 'date of the Collector's award' are literally interpreted, the effect would be that on the expiry of six months from the date of award, even though the claimant had no notice of the award, he would lose the right to seek a reference. That will lead to arbitrary and unreasonable discrimination between those who are notified of the award and those who are not notified of the award.

27. Unless the procedure under the Act is fair, reasonable and non-discriminatory, it will run the risk of being branded as being violative of Article 14 as also Article 300A of the Constitution of India. To avoid such consequences, the words 'date of the collector's award' occurring

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in proviso (b) to section 18 requires to be read as referring to the date of knowledge of the essential contents of the award, and not the actual date of the Collector's award.

28. The following position therefore emerges from the interpretation of the proviso to section 18 of the Act :

(i) If the award is made in the presence of the person interested (or his authorised representative), he has to make the application within six weeks from the date of the Collector's award itself.

(ii) If the award is not made in the presence of the person interested (or his authorised representative), he has to make the application seeking reference within six weeks of the receipt of the notice from the Collector under section 12(2).

(iii) If the person interested (or his representative) was not present when the award is made, and if he does not receive the notice under Section 12(2) from the Collector, he has to make the application within six months of the date on which he

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actually or constructively came to know about the contents of the award.

(iv) If a person interested receives a notice under section 12(2) of the Act, after the expiry of six weeks from the date of receipt of such notice, he cannot claim the benefit of the provision for six months for making the application on the ground that the date of receipt of notice under section 12(2) of the Act was the date of knowledge of the contents of the award."

5. In the aforesaid background, if the factual matrix in the present applications are appreciated, it is to be noted that in each of the revision, there is delay below five days claimed by the Collector in his impugned order. Applicants are disputing the receipt of copy of the award or that of their presence at the time when award is passed. The said aspect is not at all considered by the Reference Court while rejecting the Reference being time barred.

6. In the aforesaid backdrop, the contention

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of the learned A.G.P. that the power does not vest with the Court below to condone delay appears to be correct. The provisions of Section 18(2) of the Land Acquisition Act are interpreted in the judgment of **Bhagwan Das**, cited supra, by Apex Court, in my opinion, covers the case of the applicants. In view of the judgment of Apex Court in the case of **Bhagwan Das**, cited supra, after considering the date on which award was passed, date on which copy of award was made available and date on which Reference was presented to the Collector, I hardly notice any delay. As such, it is declared that the Reference is within limitation.

7. Applicants have also made grievance that amount of compensation was released to them on the date of service of notice under Section 12(2) which fact is not objected or disputed by learned A.G.P.

8. On facts that Civil Revision Applications will also be governed by the judgment of this Court

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in the matter of Civil Revision Application No. 53 of 2013 (**Pandurang s/o Hushenna Dulekar & ors. Vs. The State of Maharashtra & ors.**), in which order was pronounced on 18th June, 2013.

9. With above observations, all these Civil Revision Applications are allowed in terms of prayer clause (C).

(N.W. SAMBRE, J.)

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