

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9725 OF 2016

Madhukar Antu Patil ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

**WITH
WRIT PETITION NO.9740 OF 2016**

Vitthal Shivram Patil ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

**WITH
WRIT PETITION NO.9738 OF 2016**

Baburao Dadu Patil and Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

**WITH
WRIT PETITION NO.9724 OF 2016**

Pandurang Mahadev Patil and Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

**WITH
WRIT PETITION NO.9723 OF 2016**

Ramesh Mahadev Patil and Ors. ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

**WITH
WRIT PETITION NO.9736 OF 2016**

Ganpatrao Bhauso Patil and Ors. ...Petitioners
Versus

The State of Maharashtra & Ors. ...Respondents
WITH

WRIT PETITION NO.9727 OF 2016

Sou. Bharati Dattatraya Patil ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

WITH

WRIT PETITION NO.9721 OF 2016

Savba Santu Patil & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

WITH

WRIT PETITION NO.9739 OF 2016

Krishnath Pandurang Patil and Ors. ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

WITH

WRIT PETITION NO.9726 OF 2016

Dattatraya Shankar Patil & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

WITH

WRIT PETITION NO.9722 OF 2016

Bandu Shiva Patil and Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

.....

Mr. Prashant Bhavake for the Petitioners.

Mr. P.G. Sawant, AGP for the State.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 24th JANUARY, 2018.

P.C.:-

Heard the learned counsel for the Petitioners. By these petitions the Petitioners are challenging the impugned orders dated 27.06.2016 passed by the Deputy Collector (Land Acquisition No.6,Kolhapur), dismissing the applications for condonation of delay in filing application under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short Land Acquisition Act, 2013).

2. The land of the Petitioners was acquired under award dated 29.10.2014. Not being satisfied with the compensation, the Petitioners filed applications for reference under Section 64 of the Land Acquisition Act, 2013. The Petitioners had also filed applications for condoning the delay in filing the said applications. During the pendency of these applications, the Petitioners -Madhukar Patil and others had filed a Writ Petition No.6727 of 2016 challenging the award

on the ground that multiplier applied by the SLO was not in existence and the determination of compensation by applying the multiplier factor in terms of notification dated 19.3.2014 and 13.8.2014 was incorrect. The petition was placed before the Division Bench of this Court (Coram : Dr. Manjula Chellur, C.J., and G.S. Kulkarni,J.) on 5.5.2017, on which day this petition was disposed of with directions to the Petitioners to file an application under Section 64 of the Land Acquisition Act, 2013. The Petitioners accordingly filed a second application under Section 64 of the Land Acquisition Act, 2013.

3. During the pendency of the Writ Petition No.6727 of 2016, the Petitioners' application for condonation of delay in filing the first application under Section 64 of the Land Acquisition Act, 2013 came to be rejected and therefore, the Petitioners are before us.

4. Section 64 (2) of the Land Acquisition Act, 2013, which prescribes the period for filing the application reads thus :

"Section 64(2): The application shall state the grounds on which objection to the award is taken: provided that every such application shall be made-
(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, which six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso."

5. A plain reading of this provision indicates that the application under Section 64 has to be made within the period specified in clauses (a) & (b) of Sub Section (2) of Section 64. This Section also confers powers on Collector to entertain the application after the expiry of the said period, within a further period of one year on being satisfied that there was sufficient cause for not filing the application within the period specified in the first proviso.

6. In the present case, it is not in dispute that the Petitioners were served with the notice of award on 5.1.2015. Hence, the application under Section 64 of the Land Acquisition Act, 2013 was required to be filed within six weeks from 5.1.2015 i.e. on or before 16.2.2015. In terms of the proviso to Section 64(2) the Collector had powers to entertain the applications within a further period of one year i.e. till 15.2.2016 provided there were sufficient grounds for not filing

the applications within the period specified in the first proviso.

7. The records reveal that the Petitioners had filed applications under Section 64 of the Land Acquisition Act, 2013 on 26.1.2016. The Respondent No.3 has dismissed the said applications on the ground that the same were required to be filed within 180 days. It is to be noted that though the said applications were beyond the period specified in the first proviso, the same were within the period specified in the second proviso. Hence, the Collector was competent to entertain the same on being satisfied that the Petitioners had sufficient cause for not filing the applications within the period specified in the first proviso.

8. In the applications for condonation of delay, the Petitioner had stated that he is an illiterate agriculturist, who had no knowledge of law. It is stated that they were under an impression that the application could be filed after disposal of Writ Petition No.6727 of 2016. We find that reasons stated in the application constitute sufficient ground to condone the delay. The delay was not inordinate and taking a justice oriented approach, the Collector ought to have condoned the delay.

9. In the light of the above, the impugned orders cannot be sustained. Hence, we set aside the impugned orders and condone the delay in filing the applications under Section 64 of the Land Acquisition Act, 2013. The Collector shall refer the said applications dated 26.1.2016 to the Authority in accordance with law.

10. The Writ Petitions stand disposed of accordingly.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)