

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

Writ Petition No.478 of 2019
Vijay s/o Dattarao Kokate and another
Versus
State of Maharashtra, through the Collector, Washim, and others.

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri V.B. Gawali, Advocate for Petitioners.
Shri N.R. Patil, Assistant Government Pleader for Respondent
Nos.1 to 3.

Coram : R.K. Deshpande & S.M. Modak, JJ.
Dated : 18th March, 2019

The petitioners claim a direction to the respondents to award compensation for fruit-bearing trees, i.e. 72 orange trees, 4 lemon tree, and 6 guava trees, i.e. total 82 trees, wire fencing and pipe line, etc. It is not in dispute that in the year 2009, the joint measurement was done and the report placed on record at Annexure-A to this petition indicates 35 orange trees, 4 lemon trees and 1 guava tree. According to the petitioners, the compensation has not been paid for this in the final award passed.

The petitioners had a remedy of claiming reference under Section 18 of the Land Acquisition Act, 1894 within a period of limitation, if they were deprived of the claim for the trees

standing on the field in question. The period of limitation has lapsed long back. There is no provision to condone the delay. The petitioners cannot adopt this circuitous way to get the compensation, which has attained the finality by way of an award passed – which may have been passed in the year 2010. Merely because the petitioners have been making representations, will not extend the period of limitation.

The petition is dismissed.

(S.M. Modak, J.)

(R.K. Deshpande, J.)