

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

WRIT PETITION NO.4449 OF 2020

Rajendra Maroti Bhalekar
& others.

...PETITIONERS

VERSUS

The State of Maharashtra
& another.

...RESPONDENTS

...
Mr.A.B.Kadethankar, Advocate for the Petitioners.
Mr.D.R.Kale, G.P. for Respondents.
...

**CORAM: DIPANKAR DATTA, CJ AND
S.S. SHINDE, J.**

DATE : AUGUST 27, 2021

ORDER :

1. The petitioners are affected persons by reason of their lands having been acquired in terms of the provisions of the Land Acquisition Act, 1894 (hereafter 'the Act', for short). Award quantifying compensation was passed in the year 1994. No application was made by the petitioners within the time stipulated in sub-section (2) of Section 18 of the Act for referring the dispute to the Court in terms of sub-section (1) thereof. By presenting this writ petition, a prayer is made for allowing the petitioners to file application under sub-section (1) of Section 18 of the Act and for direction to the respondents (the Collector and

the Special Land Acquisition Officer) to refer the same for adjudication to the District Court.

2. The petitioners not having applied within the time limit specified in sub-section (2) of Section 18 of the Act for reference of the dispute to the Court and more than two decades having lapsed since the award, there is no ground whatsoever to entertain this writ petition.

3. At this stage Mr.Kadethankar, learned advocate for the petitioners submits that the petitioners may be permitted to explore their remedy in terms of Section 28-A of the Act.

4. Responding to our query, Mr.Kadethankar submits that orders have been passed on applications filed by other affected persons enhancing the compensation, originally awarded by the Collector or his delegate, in the year 2007/2008. The time limit stipulated in Section 28-A (1) of the Act has also long expired. Law is well settled that on grounds of sympathy, the statutory provisions cannot be put aside. If any authority is required, one may refer to the decision of the Supreme Court reported in **AIR 1994 SC 2148** (LIC Vs. Asha Ramchandra Ambekar).

5. The writ petition is devoid of merit and, accordingly, is dismissed.

[S.S. SHINDE, J.]

[CHIEF JUSTICE]

asb/AUG21