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

CIVIL REVISION APPLICATION NO.228 OF 2022

Gopinath Ganpat Bhondkar & Ors.	... Applicants
V/s.	
The Deputy Collector (Land Acquisition)	
Raigad-Alibag & Ors.	... Respondents

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Mr. Sachin S punde, for Applicants.

Mr. A. R. Patil, AGP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 20, 2023

P.C.:

- 1. Rule.**
- 2.** Rule is made returnable forthwith.
- 3.** Challenge in this writ petition is to the order dated 28 October 2021 passed by the Deputy Collector (Land Acquisition) Raigad-Alibag rejecting reference filed by the applicants seeking enhancement of compensation under Section 18 (3) of the Land Acquisition Act, 1894.
- 4.** By the impugned order, the Deputy Collector has rejected reference holding that the notice under Section 4(1) of the Land Acquisition Act, 1984 was served on the applicant on 29 March 1996; therefore, application for enhancement for compensation was filed in the year 2020, is barred by limitation.

5. The applicant has placed on record copy of notice under Section 12(2) of the Land Acquisition Act, 1984 is dated 10 June 1998.
6. According to respondent, the applicant refused to accept notice under Section 12(2). He did not receive notice under Section 12(2).
7. This issue is essential question of fact which can be adjudicated by the reference Court while deciding reference on merits. Therefore, the reference can be made to the District Court keeping question of limitation open.
8. In view of the aforesaid facts; Rule is made absolute in terms of prayer clause (c), keeping question of limitation open is to be adjudicated by the reference Court.

(AMIT BORKAR, J.)