

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

Writ Petition No. 2789 of 2022

[Prabhakar Kashinath Mahore and ors. ..vs.. State of Maharashtra, through Collector, Amravati
and ors.]

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

Court's or Judge's orders

Mr. C. A. Babrekar, Advocate for the petitioners
Mrs. K. R. Deshpande, A. G. P for the State/respondents 1 to 3

**CORAM : ROHIT B. DEO AND
Y. G. KHOBRADE, JJ.**

DATED : 16-1-2023

The challenge is to the final award rendered under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act).

2. We note from the provisions of Section 64(1) of the Act that a person interested, who has not accepted the award may, by written application to the Collector, require that the matter be referred for determination to the authority.

3. Learned counsel Mr. Babrekar points out that the normal period of limitation has expired since the application to the Collector was required to be made within six months from the date of the Collector's award. According to Mr. Babrekar, the period of limitation would

be six months since the petitioners were not present or represented when the Collector made award and they have not been served with the notice under Section 21 from the Collector.

4. We note that proviso to sub-section (2)(b) of Section 64 fix the power of the Collector to entertain the application after expiry of the period of limitation, provided the application is preferred within one year, if he is satisfied that there was sufficient cause for not filing the application within the period specified in the first proviso.

5. We dispose of the petition by directing the petitioners to prefer an appropriate application to the Collector seeking reference.

6. If the application is preferred within the next seven days, the same shall be considered and decided as expeditiously as possible and in any event, within the next three weeks. Needless to observe that all the stakeholders shall be heard including the private respondents herein.

7. If the Collector refuses to condone the delay, the petitioner is at liberty to approach this Court, and all contentions are kept open.

(Y. G. Khobragade, J.)

(Rohit B. Deo, J.)

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