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

992 WRIT PETITION NO. 7400 OF 2024

DADARAM ANANDRAV ATOLE

....Petitioner

VERSUS

THE DISTRICT COLLECTOR AHMEDNAGAR AND ANOTHER

.....Respondents

Mr. A. A. Nimbalkar, Advocate for the petitioner

Mr. V. S. Badakh, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 29th AUGUST, 2024

P. C.

1. This present writ petition is against the order dated 14-01-2019 passed by the learned Deputy Collector, Land Acquisition No.13, Ahmednagar rejecting the application of the petitioner on the ground that the said was filed beyond limitation and no justifiable reasons were stated in view of section 64(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. It is the case of the petitioner that though the notice was issued to the petitioner, it was not accompanied by the award. Since no copy of the award was received by the petitioner, he could not challenge the said order. He also filed an application for condonation of delay stating that he got knowledge of the contents of the award only on 24-09-2018 and on the same day, he filed reference before the said authority.

3. Learned advocate for the petitioner relied upon the judgment reported in AIR 2012 SC 1624 in the case of Premji Nathu Vs State of Gujrat and others wherein the Hon'ble Apex Court has held that knowledge of the award does not mean the knowledge that the award is passed, but the knowledge of the award means knowledge of the contents of the award and thus held that limitation would start from the knowledge of the contents of the award. Thus, he submits that the delay ought to have been condoned and reference ought to have been considered on merits.

4. The learned AGP vehemently opposed the petition stating that by inviting attention to the copy of notice which was served upon the petitioner. Notice was served on 03-05-2018. From the same, it is not clear as to whether said notice was served alongwith the copy of the award.

5. Considering the above, this court finds that respondent has not shown that the copy of the award was served upon the petitioner to counter the contents of the petition that he received the knowledge of the award only on 24-09-2018. From going through the order dated 14-01-2019, it does not appear that authorities had applied its mind to the said fact. The order is passed only on the ground that the reference is filed after limitation period and that there are no grounds made out to condone the delay.

6. From the discussion above, it appears that the authority has not considered the application properly. Even otherwise, the right to seek enhance compensation as the

petitioner has lost is valuable land, is valuable right. Hence, the for this reasons, this court is inclined to allow the petition. The writ petition stands allowed. The impugned order dated 14-01-2019 passed by the learned Deputy Collector, Land Acquisition, Ahmednagar is quashed and set aside. Authority to act in accordance with the law. The petitioner will not be entitled to the interest in case, the amount of compensation is enhanced for the period from 14-01-2019 till filing of this petition i.e. 23-04-2024.

[KISHORE C. SANT, J.]

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