



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

WRIT PETITION NO.3392 OF 2024
WITH
CIVIL APPLICATION NO.4448 OF 2024

Hiraman s/o Sonaji Dhole & ors. ... **PETITIONERS**

VERSUS

The Union of India & ors. ... **RESPONDENTS**

.....
Mr. C.K. Shinde, Advocate for petitioners
Mr. B.B. Kulkarni, Standing Counsel for R.No.1 and 2
Mr. P.K. Lakhotiya, A.G.P.f or R.No.3 and 4
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 2nd SEPTEMBER, 2025

ORDER :

Civil Application No.4448/2024 is filed for bringing on record the legal representatives of deceased petitioner No.11- Shivaji Balbhimrao Wagh. After hearing both the sides, the application is allowed in terms of prayer clauses (B) and (C). Amendment be carried out forthwith.

2. Heard. The challenge in this Writ Petition is to the order dated 21/9/2023, passed by the respondent No.4, expressing inability to entertain the application for correction of the award on the ground of the same to have not been moved within prescribed period of six months, under Section 33 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('the Act' for short).

FACTS

3. The lands of the petitioners have been acquired for construction of Railway Line. Along with the petitioners, lands of some others have also been acquired. All those affected owners have been granted compensation. The petitioners herein have been granted compensation at the rate of Rs.105.7 per sq.mtr., whereas the other land owners have been given compensation ranging from Rs.850/- to 1950/- per sq.mtr.

4. Within 15 days of passing of the award, the petitioners moved an application for rectification. The same was kept pending. In the meanwhile, the Collector had

solicited opinion from the Town Planning Officer regarding the price likely to be fetched for the lands belonging to the petitioners and others as well. The Town Planning Authority communicated that the lands of the petitioners and others might fetch price of Rs.850/- per sq.mtr. The Collector, in turn, granted some of the land owners compensation relying on the recommendation given by the Town Planner. He, however, did not grant the petitioners anything more in spite of the fact that the Land Acquisition Officer had requested the Collector to do the needful in the light of the recommendations given by the Town Planning Officer.

5. The petitioners had approached this Court in Writ Petition No.1086/2018. The Division Bench of this Court disposed of the said Writ Petition vide order dated 29/9/2018, directing the petitioners to avail the remedy of approaching the competent authority under the Act. The Act does not describe or define the competent authority. It only refers the term 'authority' in Section 64 of the said Act, whereunder a land reference is expected to be made by the Collector when the claim pertains to the amount of compensation or measurement

of the land. Since according to the petitioners it was a mistake committed by the Collector in passing of the award, he ought to have rectified the same. The petitioners, therefore, again approached this Court in Review (Application No.265/2023), of the order dated 29/9/2018. This Court disposed of the said Review Application, observing that there was no error apparent on the face of record. The Court also observed that, the petitioners may challenge the order dated 21/9/2023. While the said Review Application was being heard, the order impugned herein was before the said Court. Since the Court found it to be not a case for review, and given liberty to the petitioners to challenge the said order, the petitioners are before this Court in the present Writ Petition. In our view, the Writ Petition is, therefore, maintainable.

6. Without going into the merits of the matter, suffice it to say that the petitioners had moved an application for rectification of the award, within a time-frame under Section 33 of the Act. The Collector did not act upon the application of the petitioners. While the adjoining land owners have been granted compensation at the rate of Rs.850/- to 1950/- per

sq.mtr. by correcting the award in deference to the recommendations given by the Town Planner, the Collector appears to have committed mistake in not granting compensation, in terms of the recommendations, to the petitioners. Thereafter when the Writ Petition preferred by the petitioners was dismissed, the petitioners had approached the Collector. The Collector, however, turned down the application on the ground of having not been preferred within the time-frame of six months given under Section 33 of the Act.

7. When the original application moved by the petitioners was very much before the Collector and filed within a time-frame, it ought to have been decided on its own merits. When the Collector found it to be a mistake committed in the award, granting compensation to the other land owners, same was necessarily a mistake, not giving effect to the recommendation given by the Town Planning Officer to the claim of the petitioners. We are, therefore, inclined to allow the Writ Petition, by setting aside the order dated 21/9/2023, passed by the respondent No.4 herein.

8. In the result, the Writ Petition is allowed. The order

dated 21/9/2023, passed by the respondent No.4 is set aside. The respondent No.4 shall decide the application of the petitioners for rectification of the award on its own merits within a time-frame of six months from the date of receipt of copy of this order. It is expected that, the Collector shall not turn down the application of the petitioners on the ground of having not been preferred within a period of six months.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

FMPathan/-