



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

127 WRIT PETITION NO. 10018 OF 2022

Prakash Kahnayalal Kankariya

VERSUS

The State Of Maharashtra Through The Collector And Others

...

Mr. Pratik P. Kothari, Advocate for the Petitioner

Mr. S. J. Salgare, AGP for Respondents/State

Mr. Amol S. Gandhi, Advocate for Respondent No.3

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CORAM : R. G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

DATED : NOVEMBER 24, 2025

P.C.:

1. Heard.

2. This petition has been moved for rectification of the award passed under Section 12 of the Land Acquisition Act, 1894.

3. The petitioner claims to have been purchased 6H 62 R land in Gut No.190/2 situated at Village Nimbalak, Taluka & Dist Ahmednagar, wayback in the year 1999. The petitioners name was also recorded in the revenue record, pursuant to the sale deed dated 13.01.1999. Admeasuring 63 R land out of Gut No.190/2 came to be acquired for Bypass. The authorities concerned passed the award in favour of the original owner i.e., vendor who sold the land to the petitioner herein. The vendor is very much before us. He admits that the land which has

been acquired was part and parcel of the land purchased by the petitioner herein. The Land Acquisition officer in his order dated 26.04.2022 admits in so many words that the 63 R land which is acquired was part and parcel of the land purchased by the petitioner herein. The description in the sale deed of the land purchased by the petitioner also vouch for the petitioner's claim. The application of the petitioner under Section 13A of the Land Acquisition Act, 1894 was turned down on the ground that the application have been made beyond the prescribed period of limitation of six months.

4. Admittedly, the application has been moved about 10 years after the award was passed. The fact is, however, at no sooner the award was passed the petitioner herein made an application to the Collector to refer the matter to the Civil Court for determination of the compensation.

5. We exercise our discretion. We find that there would be no undue mandatory ground either to the petitioner herein or loss to the State Government. Only the name of the petitioner would come in place of Respondent No.3 (original owner) in the award. It may sound that after rectification of the award a fresh period of limitation for making reference may accrued and the period of 10 years delay may said to be coming in the way of the petitioner but the fact is that the

petitioner had already made an application to the Collector for referring the matter to the Civil Court, wherein, the very land was included. The authorities concerned i.e. Collector has simply turned down the application on the ground of 6 months limitation to have been crossed. In the peculiar facts and circumstances and in view of the fact that the original vendor and even Respondent No.3-Collector/Land Acquisition Officer admit the land of the petitioner to have been affected by the acquisition proceedings and the award ought to have been passed in the name of the petitioner. **In view of the same**, we set aside the order impugned herein and direct Respondent No.3-Collector to consider the application of the petitioner on its own merits and decide the same within a time frame of 6 months from the date of receipt of copy of this order.

6. Writ Petition stands disposed of accordingly.

[ABASAHEB D. SHINDE, J.]

[R. G. AVACHAT, J.]