



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

WRIT PETITION NO. 13634 OF 2025

Manisha Satish Mahale and others
VERSUS
The State of Maharashtra through its Secretary and another

Mr. A. B. Kale, Advocate for petitioners
Mr. R. S. Wani, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 10th December, 2025

ORDER (Per: Hiten S. Venegavkar) :-

1. The present proceedings instituted under Article 226 of the Constitution of India, assails the order dated 22.04.2025, passed by the Collector, whereby the petitioner's reference application under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (hereinafter referred to as "**the 2013 Act**") has been rejected solely on the ground of delay. The petitioners further seek a direction to the Collector to restore and adjudicate the reference on its own merits.

2. The material facts are not in dispute. The petitioner's land came to be acquired for the construction of the Surat-Dhule Bypass Road. In the acquisition proceedings, the competent authority issued notices under Section 21 of the Act on 18.01.2023 and thereafter, a final award was passed on 03.05.2023. By the said award, compensation of

Rs. 6,94,00,000/- only was granted. The petitioner received part compensation on 24.05.2023 and the balance on 24.07.2023. Being satisfied with the quantum of compensation, the petitioners submitted a Reference Application bearing No. 710 of 2024, on 14.09.2023, seeking enhancement under Section 64 of the 2013 Act. It is the petitioners' case that due to the involvement of several contesting parties and the consequential delay in completion of stamp duty formalities, certain procedural delays occurred in filing the reference, which ultimately resulted in a delay of only 1 week and 4 days beyond the prescribed limit.

3. The record indicates that notices came to be issued by the Collector on 31.12.2024 calling upon the petitioner to submit their response in the matter. A detailed reply was accordingly filed on 09.01.2025, explaining the factual circumstances surrounding the minor delay and setting out the grounds for seeking reference. However, by the impugned order dated 22.04.2025, the Collector rejected the reference holding that it was barred by limitation and that no sufficient cause for condonation has been established. It is also evident that the collector proceeded to pass the impugned order without affording the petitioners any opportunity of personal hearing.

4. The learned advocate for the petitioners contended that the

short delay of merely 11 days ought to have been condoned in view of the proviso to section 64(2) of the 2013 Act, which empowers the Collector to entertain a delayed reference upon being satisfied that the applicant had sufficient cause. It was urged that the statutory scheme itself contemplates a liberal construction, as the proviso authorizes condonation for a further period of one year beyond the primary limitation. Reliance was placed upon the well-settled principles enunciated by the Hon'ble Supreme Court in **Collector, Land Acquisition, Anantnag Vs. Mst. Katiji**, reported in (1987) 2 SCC 107, wherein the Court held that a justice oriented approach must be adopted while considering application for condonation of delay and that substantial justice must prevail over technicalities. In the said judgment, the Hon'ble Supreme Court observed that refusal to condone delay may result in meritorious matters being thrown out at the threshold and therefore, a pragmatic and liberal interpretation should inform the exercise of discretion. The Court emphasized that litigants do not stand to benefit by filing delayed appeals and that Court should not take a pedantic approach that defeats substantive rights.

5. The petitioners further relied upon the Hon'ble Supreme Court's judgment in **N. Balakrishnan Vs. M. Krishnamurthy** (1998) 7 SCC 123 wherein it was held that the length of delay is immaterial so long as sufficient cause is shown and that a short delay particularly

deserves liberal condonation unless malafides or dilatory tactics are evident. The Court clarified that the primary function of limitation law is not to destroy rights but to ensure timely prosecution. Hence, a reasonable and justice-oriented assessment must govern condonation of application. In land acquisition matters, courts have adopted the principles that minor delays in filing reference under Section 18 of the Land Acquisition Act, 1894, which is *pari materia* with Section 64 of the 2013 Act, should ordinarily be condoned when no negligence or malafide can be attributed and when refusal to condone would result in grave prejudice to the landowners whose lands have been compulsorily taken.

6. The learned AGP appearing for the State supported the impugned order and submitted that although the delay was short, the petitioners had failed to expressly and satisfactorily explain every day's delay and had even denied the existence of delay. It was contended that the Collector is bound by the statutory limitation and cannot exercise discretion in absence of a clear explanation.

7. Having heard both the sides and upon perusal of the material on record, this Court is of the considered view that the approach adopted by the Collector is unsustainable. The delay involved is only of one week and four days. The Hon'ble Supreme Court through a consistent line of authorities, beginning with *Katiji* (*supra*), has laid down that Court

should adopt a liberal, pragmatic and justice oriented approach in matters of condonation, particularly where the delay is short and the litigant stands to suffer severe prejudices if technicalities are allowed to prevail. The Collector, being a statutory authority exercising quasi-judicial powers, is equally bound to apply these principles. The proviso to section 64 of the 2013 Act vests the Collector with ample power to condone delay up to a further period of one year. Conditional only upon satisfaction regarding the cost shown. Thus, the legislature itself has mandated a flexible and equitable approach.

8. In the present case, the explanation of procedural delays arising out of the nature of acquisition proceedings, involvement of multiple parties, and time consumed in completion of stamp duty formalities cannot be said to be fanciful or insufficient, especially when the delay is merely of 11 days. The Collector was duty bound to examine the reasons in liberal spirit and to ascertain whether substantial justice required condonation. Instead, the Collector has adopted a hyper technical view by mechanically computing the delay and rejecting the reference without considering the over arching objective of the statute, which is to ensure fair compensation to landowners whose properties have been compulsorily acquired. Furthermore, the denial of a personal hearing, despite the quasi-judicial character of the decision, reinforces the infirmity in the impugned order.

9. In light of these circumstances, and in view of the law decided by declared by the Hon'ble Supreme Court and consistently followed by this Court, the impugned order dated 22.04.2025 cannot be sustained. The delay of one week and four days in filing the reference application deserves to be condoned. Failure to do so would unjustly deprive the petitioners of their statutory right to seek determination of fair compensation.

10. Accordingly the order dated 22.04.2025 passed by the Collector is quashed and set aside. The delay caused in filing the petitioners' reference under section 64 of the 2013 act is hereby condoned. The collector shall restore Reference Application No. 710 of 2024 to file and shall adjudicate the same on its own merits and in accordance with law, after granting due opportunity of hearing to all parties concerned. The petition is allowed in the above terms.

11. There shall be no orders as to costs.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi