



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 WRIT PETITION NO. 6815 OF 2025

DADA S/O KUSHABA JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Mr. Dnyaneshwar A. Bide
AGP for Respondent-State : Ms. Saie S. Joshi

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926 WRIT PETITION NO. 6816 OF 2025

BHAURAO S/O RAMCHANDRA SONWANE (DIED) THROUGH LR
KASHINATH S/O BHAURAO SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Dnyaneshwar A. Bide
AGP for Respondent-State : Ms. Neha B. Kamble

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**CORAM : RAVINDRA V. GHUGE AND
ABHAY S. WAGHWASE, JJ.**

DATED : 19 JUNE, 2025

PER COURT :-

1. In both these matters, it is not disputed by the Petitioners that their Applications under Section 28-A of the Land Acquisition Act, 1894, were tendered beyond the limitation period. The contention is that, after they got knowledge of the decision under Section 18, that they decided to prefer an Application under Section 28-A. The date of the decision under Section 18 is 19.01.2012,

pertaining to those applicants who are adjacent land holders. It is difficult to believe that the neighbouring land holders came to know of the award in favour of the adjacent land holders after ten years.

2. The Hon'ble Supreme Court has delivered a judgment in the case of *Tota Ram v. State of Uttar Pradesh and others, (1997) 6 SCC 280*, wherein it is observed that, in view of the express language of Section 28-A of the Land Acquisition Act, 1894, the question of knowledge does not arise and, therefore, the plea of the Petitioner that, the limitation of three months begins to start from the date of knowledge, is clearly unsustainable and cannot be accepted.

3. Further, in *Karnataka Power Corporation Ltd. v. K. Thangappan and another, (2006) 4 SCC 322*, the Hon'ble Supreme Court held that, in the face of a considerable delay and no explanation to that effect, exercise of discretion can be refused on account of omission on the part of the claimant to assert his right. Again, in the case of *Bir Wati and others v. Union of India and another, (2017) 16 SCC 548*, it is held by the Hon'ble Supreme Court that, the requirement to make an application under Section 28-A of the Land Acquisition Act within three months, is necessary. This Court, in *Sheshabai @ Subhadrabai w/o Gyanoba Madale v. The*

State of Maharashtra and others, 2014(1) Mh.L.J. (Writ Petition No. 52 of 2022 decided on 17.08.2023), held that, delay even of two days cannot be condoned.

4. In view of the above, and since it is admitted that the applications were tendered after an enormous delay, **both these Petitions are dismissed.**

[ABHAY S. WAGHWASE, J.]

[RAVINDRA V. GHUGE, J.]

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