

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 480 OF 2021**

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Prakash Annappa Hatgine and Ors. ... Petitioners

Versus

The Collector, Sangli District and Ors. ... Respondents

Mr. Ashutosh Kulkarni a/w Siddharth Shitole for the Petitioners.

Mr. P. G. Sawant, AGP for the State.

CORAM : MANGESH S. PATIL,J.

DATED : 22nd JANUARY 2025.

ORDER :-

1. Heard learned advocate for the petitioners and also the learned AGP.

2. By way of this composite petition claimants from the same award are questioning similar decisions rendered by the respondent- Land Acquisition Officer, whereby the references made by them, purportedly under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act') have been rejected by him by assigning several reasons.

3. Admittedly, the process of land acquisition had commenced under the Act, but the award was passed after coming into force of

the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. In light of the adjudication by the full bench of this Court in the matter of *Pune Municipal Corporation Versus Rajeev L. Sangtani and ors.*¹, the impugned orders will have to be treated as having been passed by the Collector in the purported exercise of the powers under Section 64 of the Act of 2013. Irrespective of the reasoning assigned in the order, the remedy for the petitioners would be to resort to appropriate proceeding before the competent authority under Section 64 of the Act of 2013.

5. This petition has been filed way back in the year 2018. The issue regarding limitation will have to be addressed by the competent authority.

6. The Writ Petition is disposed of granting the petitioners liberty to take recourse to the provision of Section 64. The competent authority may consider the provision of Section 14 of the Limitation Act, 1963.

(MANGESH S. PATIL, J.)

¹ 2019 SCC OnLine Bom 1492