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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1011 OF 2025

Uday Parshuram Yadav

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

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GANESH
KULKARNI

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Mr. Gaurav Potnis with Ms. Amrita Kharkar i/by Ms.
P.H. Potnis for the petitioner.

Mr. Kedar Dighe, Additional G.P. with Smt. M.S.
Shrivastav, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 25, 2025

P.C.:

1. This writ petition under Article 227 of the Constitution of India lays challenge to an order dated 22nd October 2024 passed by the Special Land Acquisition Officer No.2, Satara. By the impugned order, the petitioner's application for reference under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("the 2013 Act") came to be rejected on the ground that it was barred by limitation. The Special Land Acquisition Officer has premised his decision on the assertion that the application ought to have been filed within six weeks from the date of service of notice under Section 12(2) of the Land Acquisition Act, 1894 ("the 1894 Act"), whereas in the present case the application was filed after 3117 days from the date of the Award. The petitioner thus invokes the

supervisory jurisdiction of this Court, urging that the said officer failed to consider the bona fide nature of the delay and the subsequent developments which purportedly crystallized the petitioner's right to seek enhancement of compensation.

2. The facts, in brief, giving rise to the present petition are that land bearing Gat No.787/1, situated at Village Pargaon, Taluka Khandala, District Satara, was originally owned by one Parshuram Keshav Yadav. Upon his demise, his estate devolved upon Prakash and Uday (the petitioner herein). According to the petitioner, he succeeded to an undivided 1/8th share in the said property. A dispute as regards entitlement, shares, and distribution among co-heirs led to the institution of Suit No.106 of 2010 before the Civil Court. It is not in dispute that the said suit was pending when the Notification under Section 4 of the 1894 Act came to be published on 27th June 2013. By virtue of the said acquisition proceeding, an area ad-measuring 35 Ares in Gat No.787/1 was sought to be acquired by the authorities.

3. According to the petitioner, his right to claim compensation could not have arisen or matured until the dispute regarding his share and entitlement to the property was resolved by a competent forum. It is the petitioner's case that notwithstanding the issuance of the Notification under Section 4, the apportionment of compensation remained inconclusive in view of the ongoing dispute in the said civil suit.

4. Ultimately, on 30th April 2023, the dispute among the heirs culminated in a compromise resulting in a consent decree passed

by the competent Civil Court. The petitioner asserts that he obtained a certified copy of the settlement on 12th June 2023. The compromise decree, according to him, finally determined his share in the suit property.

5. It is further contended by the petitioner that on 4th April 2024, he addressed an application to the Special Land Acquisition Officer No.2, Satara, seeking disbursement of compensation in accordance with his ascertained share. Several reminders—dated 4th July 2024, 15th April 2024, and 27th August 2024—were purportedly sent by the petitioner to expedite the process. Eventually, on 10th September 2024, the petitioner received the compensation amount.

6. Having thus been paid the compensation only on 10th September 2024, the petitioner states that he promptly preferred an application for enhanced compensation under Section 64 of the 2013 Act on 10th October 2024. An application for condonation of delay accompanied the same. However, by order dated 22nd October 2024, the Special Land Acquisition Officer No.2, Satara, rejected the said application primarily on the ground that it was filed well beyond the period of limitation computed from the date of the Award or the notice under Section 12(2) of the 1894 Act, without considering the petitioner's explanation for the delay.

7. In support of the relief prayed, the learned Advocate for the petitioner placed reliance on the judgment of the Hon'ble Supreme Court in *Madan & Anr. v. State of Maharashtra* (Civil Appeal No.10863 of 2013, decided on 6th December 2013). Learned

counsel canvassed that, in law, the limitation to seek enhancement of compensation under Section 64 of the 2013 Act (or under Section 18 of the 1894 Act, as the case may be) would commence from the date on which the co-sharers' inter se dispute is resolved. He urged that the rationale behind this principle is grounded in the idea that a claimant's right to seek enhancement stands crystallized only upon ascertainment of his or her share in the acquired property. As the dispute between the parties was resolved by a consent decree dated 30th April 2023 and the petitioner received the compensation on 10th September 2024, the application for reference filed on 10th October 2024, in his submission, is within the permissible period of limitation if counted from the date of crystallized entitlement.

8. The learned Advocate further invited attention to paragraph 12 of the aforesaid Supreme Court decision, emphasizing that the right to receive compensation and seek its enhancement matures once the claimant's title or share is finally adjudicated. Consequently, until the apportionment order or civil decree is passed, the claimant's remedy in respect of enhanced compensation cannot be effectively pursued. Reliance was also placed on the principle that courts ought to adopt a liberal construction in matters of condonation of delay, particularly when it pertains to land acquisition proceedings, given their nature as beneficial legislation designed to ensure fair recompense to land losers.

9. Upon a plain reading of the impugned order dated 22nd October 2024, it is manifest that the Special Land Acquisition

Officer No.2, Satara did not undertake a careful appraisal of the reasons set forth by the petitioner for seeking condonation of delay in filing the application under Section 64. The officer appears to have simply adverted to the date of the Award under the 1894 Act and the statutory timeline of six weeks from service of notice under Section 12(2) thereof, without adequately considering the petitioner's assertion that his right to receive and seek enhancement of compensation accrued only upon the resolution of the dispute and his receipt of the compensation on 10th September 2024. A purely mechanical rejection defeats the object of providing statutory remedies under the 2013 Act, which replaced the 1894 Act with an overarching aim to ensure fair compensation and rehabilitation.

10. In view of the discussion aforesaid, the impugned order dated 22nd October 2024 is quashed and set aside. The conclusion arrived at by the Special Land Acquisition Officer No.2, Satara, dismissing the petitioner's request for a reference on the sole ground of limitation without examining the reasons offered, cannot be sustained in law.

11. The proceedings are accordingly remitted to the Special Land Acquisition Officer No.2, Satara.

12. For the purpose of assessing the cause shown for condonation of delay, the Special Land Acquisition Officer No.2, Satara is directed to make a reference to the Authority under Section 51 of the 2013 Act. The Authority shall examine whether there is "sufficient cause" within the meaning of Section 5 of the

Limitation Act, 1963.

13. The Authority under Section 51 of the 2013 Act shall afford a reasonable opportunity of hearing to the petitioner and any other interested persons, and thereafter render an appropriate order on the issue of limitation within a period of eight weeks from the date on which the parties appear before it.

14. The petitioner shall appear before the Authority under Section 51 of the 2013 Act on 4th April 2025 at 10.30 a.m. for further directions. It is made clear that no fresh notice of hearing shall be necessary for the petitioner, and it shall be incumbent upon the Authority to ensure due notice to any other necessary parties.

15. The writ petition is disposed of in the aforesaid terms. There shall be no order as to costs.

(AMIT BORKAR, J.)