



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2044 OF 2025

Manubai Mahadeo Kinake and ors. -Vs- State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Jaykumar Wankhede, counsel for the petitioner/s.
Ms.S.S.Jachak, Addl.GP for respondent state.

**CORAM: NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.**

DATE : 6th MAY, 2025.

1. The challenge is to the order of rejection passed by the Land Acquisition Officer on 10/06/2024, wherein the prayer of the petitioners for grant of enhanced compensation under Section 28-A of the Land Acquisition Act, 1894 (for short hereinafter referred to as the Act of 1894) came to be rejected. Vide impugned order, the Land Acquisition Officer has communicated the petitioners that their claim was time barred as the limitation prescribed under Section 28-A of the Act of 1894 is that of 60 days and the judgment on which the petitioners are relying on is of 08/08/2012 i.e. more than twelve years ago.

2. The learned counsel appearing for the petitioners has relied on the judgment of the Apex Court in the matter of *Bir Wati and ors. Vs. Union of India and anr* reported in *(2017)16 SCC 548* so as to claim that the Court to do

complete justice can condone the delay. We are afraid that such powers cannot be exercised by the High Court in its writ jurisdiction under Article 226 of the Constitution of India as the said judgment of the Apex Court in the matter of *Bir Wati and anr Vs. Union of India and anr* (supra) is passed under Article 142 of the Constitution of India. The said Article contemplates vesting of the powers in the Supreme Court to do complete justice and not in the High Court.

3. For the aforesaid reasons, the order impugned cannot be faulted with as the petitioners have sought enhanced compensation based on the judgment delivered on 08/08/2012 in Land Acquisition Case No.80 of 2005 (Sitaram Suryabhan Shedmake since dead through his LRS Vs. State of Maharashtra and ors.).

4. Since the claim put forth by the petitioners was time barred by limitation under Section 28-A of the Act of 1894, rightly so, the Land Acquisition Officer rejected the prayer for grant of enhanced compensation. That being so, no case for causing interference in the extraordinary jurisdiction is made out. The petition, as such stands dismissed. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)