



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

WRIT PETITION NO. 11736 OF 2024

Gangutai Namdevrao Zampalwad

VERSUS

State Of Maharashtra Through District Collector Nanded And
Others

WITH

WRIT PETITION NO. 11735 OF 2024

Laxmikant Narayan Kawtikwan

VERSUS

State Of Maharashtra Through District Collector And Others
WITH

WRIT PETITION NO. 11624 OF 2024

Pradeep Vishwanath Rathi Died Through Lrs Kiran Pradeep
Rathi And Others

VERSUS

State Of Maharashtra Through District Collect And Others
WITH

WRIT PETITION NO. 11623 OF 2024

Virendra Nagayya Daramwar

VERSUS

The State Of Maharashtra Through District Collector And
Others

WITH

WRIT PETITION NO. 11684 OF 2024

Rajendra Ganeshlal Soni

VERSUS

State Of Maharashtra Through District Collector Nanded And
Others

WITH

WRIT PETITION NO. 11625 OF 2024

Kiran Deepak Rathi

VERSUS

State Of Maharashtra Through District Collector And Others

...

Mr. S. S. Kurundkar, Advocate for the Petitioner

Mrs. M. L. Sangit, AGP for Respondents-State

.....

CORAM : AJIT B. KADETHANKAR, J.

DATED : 06TH APRIL, 2026

FINAL ORDER :-

. Petitioners' immovable properties at site no.6 and 7, gut nos.111 to 120 Nanded have been acquired for construction of Central Administrative Building, Government Offices and Government Residential Quarters. The respondents/ authorities passed Awards to that effect on 25.09.2013 and 07.11.2013.

2. The respective petitioners filed present References under Section 18 of the Land Acquisition Act, 1894 for enhancement in the compensation. The said references are returned to the petitioners citing reason of delay in view of Section 18 of the Land Acquisition Act, 1894. As against this, the petitioners are before this Court.

3. Mr. S. S. Kurundkar, learned Counsel for the respective petitioners would submit that the petitioners were never served by any notice under Section 9 as also under Section 12 of the Act of 1894. He would submit that it is only after getting knowledge about the award from the neighboring land owners on 30.01.2014, 07.04.2014 and 16.03.2015, the

petitioners filed applications for certified copies of the award which was received on 10.02.2014, 23.04.2014 and 01.09.2015.

4. Mr. Kurundkar, learned Counsel would further submit that the petitioners then filed Reference petitions within six months from the date of receipt of the certified copies. It is the contention of the petitioners that since no notice under Section 8 as also under Section 12 was served on the petitioners, the provisions under Section 12(2) could not be invoked nor the six months time for filing the references could be held operational from the date of award.

5. The following chart shows the relevant information:

Sr. No	Writ Petition No.	Date of Award	Date of Knowledge	Date of application for certified copy	Date of receipt of certified copy	Date of filing Reference Petition
1	11736/2024	07.11.2013	07.04.2014	07.04.2014	23.04.2014	24.06.2014
2	11735/2024	07.11.2013	16.03.2015	25.08.2015	01.09.2015	07.09.2015
3	11624/2024	25.09.2013	30.01.2014	30.01.2014	10.02.2014	28.02.2014
4	11623/2024	07.11.2013	30.01.2014	30.01.2014	10.02.2014	28.02.2014
5	11684/2024	07.11.2013	30.01.2014	30.01.2014	10.02.2014	28.02.2014
6	11625/2024	07.11.2013	30.01.2014	30.01.2014	10.02.2014	28.02.2014

6. He would submit that in the given circumstances the date of receipt of certified copies of the award be held as the date of knowledge of the award. He would rely upon the

judgment passed by this Court in *Civil Revision Application No.152 of 2016* with connected matters, decided on **14.06.2019**. He would submit that this Court has held that the date of knowledge of award is the date of service of award copy on the party. He would submit that, in that view of the matter, the references filed by the petitioners cannot be said to be delayed.

7. Mrs. M. L. Sangit, learned AGP relies upon the reply affidavit filed by the respondent/authorities. The defence raised by the respondents/authorities in the reply affidavit reads thus:

6. I say and submit that the Petitioner, Sow. Gangutai Namdevrao Zampalwad had filed a reference before the Respondent No. 2 under section 18 of the Land Acquisition Act, 1894. I say and submit that in such matters, a reference under section 18 of the said Act has to be filed within 6 weeks of the receipt of the notice from the Collector under section 12(2) or within 6 months from the date of Collector's award whichever period shall first expired. I say and submit that in the said reference, the date of filing of reference was mentioned as 24.06.2014. Thus, the Petitioner had filed his reference beyond the limitation period. I say and submit that the Petitioner was asked submit his say on why his reference should not be rejected on the ground of limitation within 15 days from the date of the service of notice by the Respondent No. 2

vide office communication / notice dated 27.03.2015. Subsequently, the Petitioner filed his written say on 31.03.2015. As per the said say, the notice under section 12(2) was not served upon the petitioner in person. The day on which he obtained a certified copy from the record room should have been treated as date of his knowledge of the said notice and accordingly, his reference should have been treated as filed within 42 days from the date of notice under section 12(2). In her defence, the petitioner cited four judgments viz., (i) 2011 (2) Maha. Law Journal page 708 to 715 (ii) 2014(2) All MR Bench at Aurangabad page No. 399+400 (iii) 2014(2) All MR Bombay High Court Page No. 370+373 (iv) 3012 (3) All MR434 Supreme Court Page No. 434+441.

7. I say and submit that there is no any provision under section 18 of the Land Acquisition Act, 1894 to treat the date on which the certified copy of the award was obtained as the date of knowledge of the award. Further, the office of the Respondent authorities is not a court under section 3 (d) of the Land Acquisition Act. 1894 and the reference is neither an appeal nor an application. Moreover, I say and submit that as per paragraph No. 128 of the Land Acquisition Manuel, the Land Acquisition Officer is neither a judge nor Revenue Officer. Therefore, the Respondent No. 2 is not empowered to condon delay as per provision under section 5 of the Limitation Act, 1963. Therefore, the Respondent No. 2 rejected to forward the said reference to the Civil Court on the ground of limitation since the said reference was filed after the prescribed time period.

8. Same reply is filed in all the Writ Petitions, except in Writ Petition No.11624 of 2024. In Writ Petition No.11624 of 2024, the contention of the respondents/authorities is that the notice under Section 12(2) was served upon the petitioners on 13.01.2013, whereas the Reference was filed on 01.03.2014. However, the petitioners on oath had denied receipt of such notice under Section 12(2) of the Act. Except the reply affidavit, the respondents/authorities have not placed anything on record to show that the notice under Section 12(2) was actually served on the petitioners.

9. With the able assistance of the learned Counsel for the respective parties, I have gone through the documents tendered by them and their pleadings. In reply affidavit, it is nowhere disclosed as to when the notice under Section 9 or 12 of the Act was ever served upon the petitioners. It is also not submitted by the respondents as to when the Awards were served on the petitioners.

10. Reliance can be beneficially placed on the observations made by this Court in the cited case (supra) at paragraph no.12 to 14, which reads thus:

12. *I am, however, unable to agree with the submissions made by the learned AGP. As I noted herein above, what is required is service of copy of the Award so that a person concerned may know the contents of the Award passed in respect of acquisition of his land. In none of the matters, any evidence has been produced by the Government or by the acquiring body, evidencing that the copy of the Award was served upon the revision applicants on a particular date and further that the Reference Applications are filed beyond the period of limitation, as provided in the Act after service of the copy of the said Award.*

13. *In absence of any concrete evidence as about the service of copy of the Award passed under Section 11 of the Act to the respective claimants, I deem it appropriate to consider the dates on which the amount of compensation has been actually paid by the respondents. As noted herein above, out of ten, in two of such matters, dates are not provided either by the claimants or by the State. In remaining eight matters, such dates are provided, which I have reproduced in the table below para 7. I have also observed in para 8 that in absence of any information as about the payment of compensation made to the claimants in CRA No.153/2016 and CRA No.107/2017. It has to be presumed that the compensation to the said claimants was paid in somewhat similar period. The material on record shows that in some of the matters the Reference Applications under Section 18 were preferred even prior to receiving the payment of compensation by the respective claimants and in some matters, the Reference Applications are filed within the period of one month after receiving the payment. In the circumstances, I have no hesitation in holding that all the Reference Applications, which are the subject*

mater of the present civil revisions applications, must be held to have been filed within the prescribed period of limitation.

14. After having considered the facts, as aforesaid, it appears to me that respondent No. 2 has wrongly refused to forward the Reference Applications to the civil court for their adjudication. The impugned order, therefore, deserves to be set aside and is accordingly set aside. The revision applications stand allowed and it is directed that Respondent Nos. 1 and 2 shall forward the Reference Applications to the concerned Civil Court for their further adjudication in accordance with law.

11. It is not the case of the respondents/authorities that on any specifying date the petitioners were made aware about passing of the award. If so, the contention of the petitioners that the date of receipt of certified copy of award be taken as date of knowledge of the award, sounds acceptable.

12. A beneficial reference can be made to the view expressed by the Honorable Supreme Court in the case of ***Suresh Kumar and ors. Vs. State of Haryana*** with connected cases ***(2025 INSC 550)***. The Honorable Supreme Court, while dealing with the delay caused by the claimants seeking enhancement in land acquisition references observed thus:

“ 11. In all judgments referred supra, the common thread that can be observed is that delay is not a reason to deny the land losers their compensation, which is just, fair and reasonable for the land they have lost.

12. This Court has noticed that in Delhi Air Tech Services Pvt. Ltd. v. State of U.P. & Anr. (2022 SCC Online SC1408) , with reference to Coffee Board, Karnataka, Bangalore v. Commission of Commercial Tax, Karnataka (1988) 3 SCC 263) that while the State has the power of eminent domain, the owner of a land can only be divested thereof in accordance with the procedure established by law after appropriately compensating them. This is in view of Article 300 A and 31A of the Constitution of India.

13. In view of the above discussion, we are of the considered view that the delay ought to have been condoned, since the position that the land loser had, in fact, asked for the appeal to be filed but it was not, for no fault of his, is an uncontroverted position of fact. Consequently, the appeals are allowed. The impugned judgment and orders are set aside and the matters are remanded to the High Court for consideration afresh, on all aspects, save and except delay. Such consideration is to be made, uninfluenced by the observations made hereinabove. However, for the delayed period that is being condoned, the appellant shall not be entitled to any interest. The Registry is requested to transmit a copy of this order to the learned Registrar General, High Court of Punjab and Haryana, for necessary follow up action. Because the Award from which the appeals arise is of the year 2005, the High Court is requested make an endeavour to decide the matters expeditiously. Pending application(s), if any, shall stand disposed of.”

13. It is not disputed that the petitioners' lands are acquired by the authorities under compulsory land acquisition. Enhancement in the compensation is a statutory right of the petitioners. The petitioners are the land losers and have substantive right to get enhancement in the compensation. Such substantive right must not be defeated on mere technicality of delay. Moreso, it would be unjustified if the References are returned on account of delay if it is not specifically pointed out as to by which date the petitioners missed the limitation.

14. The respondents/authorities could not point out as to on what date copy of the Awards were served on the petitioners. It is also not pointed out as to on which date, the payment was made to the petitioners. This Court has taken view that object of putting rider of limitation in land acquisition cases is to avoid cooked claims and unnecessary burden on the State Exchequer that may fall due to interest part of the enhancement. In the case in hand, the petitioners have come up with a case that it is not a case of delay at all. They submit that the date of receipt of certified copy of the Awards is the date of knowledge of the Awards.

15. In view of this, I am of the considered view that the petitioners have made out a case for interference of this Court. Accordingly, I pass following order:

ORDER

- i. Writ Petitions stand allowed in terms of prayer clauses 'B' and 'C'.
- ii. Impugned orders passed by Respondent no.2/The Deputy Collector Land Acquisition are quashed and set aside.
- iii. The authority/Deputy Collector Land Acquisition PT MIW-2, Nanded is directed to forward the Reference Applications of the petitioners to the Reference Court within a period of eight weeks from the date of receipt of this order.
- iv. Writ Petitions stand disposed of accordingly.

(AJIT B. KADETHANKAR, J.)