IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13017 OF 2024

Shri. Hirkanbai Hiraman Patil (Thorat),
Age. 72 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.
2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.
3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

WITH
WRIT PETITION NO. 13045 OF 2024

Chaitram Maniram Patil,
Age 55 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.
2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.

3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

WITH
WRIT PETITION NO. 13018 OF 2024

Shankar Ganpat Koli
Age 64 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.
2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.
3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

WITH
WRIT PETITION NO. 13022 OF 2024

Shri. Tirthdas Rambhau Amrutsagar,
Age 54 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.
2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.

3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

WITH

WRIT PETITION NO. 13028 OF 2024

Smt. Bhikubai Rajaram Patil (Devare)
Age 56 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.
2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.
3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

WITH

WRIT PETITION NO. 13029 OF 2024

Smt. Mirabai Onkar Navsare (Koli),
Age 54 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.
2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.

3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

WITH

WRIT PETITION NO. 13030 OF 2024

Popat Suka Patil,
Age 57 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.
2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.
3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

WITH

WRIT PETITION NO. 13031 OF 2024

Smt. Hirkanibai Jaggannath Patil (Devare),
Age 75 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.
2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.

3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

WITH

WRIT PETITION NO. 13039 OF 2024

Hiraman Namdeo Patil,
Age 45 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.
2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.
3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

WITH

WRIT PETITION NO. 13035 OF 2024

Rajendra Vedu Patil,
Age 65 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.
2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.

3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

WITH

WRIT PETITION NO. 13036 OF 2024

Rajendra Vedu Patil,
Age 65 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.
2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.
3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

WITH

WRIT PETITION NO. 13037 OF 2024

Nanabhau Shenfadu Patil,
Age 67 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.
2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.

3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

WITH

WRIT PETITION NO. 13038 OF 2024

Namdeo Ramdas Patil
Age 61 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.
2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.
3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

WITH

WRIT PETITION NO. 13040 OF 2024

Motilal Waman Koli,
Age 71 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.
2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.

3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

WITH

WRIT PETITION NO. 13046 OF 2024

Thagubai Suka Patil (Died)
Through her Legal Heirs,
Popat Suka Patil,
Age 63 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.
2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.
3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

WITH

WRIT PETITION NO. 13047 OF 2024

Shri. Sanjay Budha Patil,
Age 37 years, Occ. Agricultural,
R/o. Sutrepada, Tq. & Dist. Dhule **... PETITIONER**

VERSUS

1. The State of Maharashtra,
Through District Collector,
Dhule, Collector office,
Dhule.

2. The Deputy Collector and
Land Acquisition Officer, Dhule
Dist. Dhule.

3. The Executive Engineer,
Medium Irrigation Department,
Dhule, Dist. Dhule. **... RESPONDENTS**

...

Mr. Prathamesh M. Borde h/f. Mr. Shailesh S. Chapalgaonkar, Advocate for the Petitioner/s in all matters
Mrs. M. L. Sangit, AGP for Respondent Nos.1 to 3/State in all matters

...

CORAM : AJIT B. KADETHANKAR, J.
DATE : 01.04.2026

JUDGMENT :-

. Rule. Rule made returnable forthwith.

2. Heard for final disposal by consent of Mr. Prathamesh M. Borde h/f. Mr. Shailesh S. Chapalgaonkar, learned counsel for the petitioners and Mrs. M. L. Sangit, learned AGP for the respondent – authorities. All the petitioners carry common grievance. Their lands are acquired and they need enhancement in the compensation. Hence the Petitioner filed Reference application. However the filing is now in limitation as per Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the Act of 2013”). The Petitioner contend that the delay is not more than one year from the last date of limitation, and that the District Collector has discretion to condone the delay. Contending that the said authority didn’t use the discretion mindfully, the Petitioners are before this Court.

3. It is not in dispute that the petitioner/s' lands in respective matters have been acquired for the "Lower Panzara (Akkalpada) Medium Project", and that awards have already been declared by the authorities as per the following particulars :

WP. No.	Gat No. and acquired land	D/o notice issued u/s 23	Filing d/o application	Delay caused for filing appeal
13017 of 2024	64 44 R	29.06.2020	22.07.2021	346 days
13045 of 2024	185/1 0.25 R	02.07.2020	22.07.2021	343 days
13018 of 2024	26/1 0.42 R	11.01.2021	22.07.2021	150 days
13022 of 2024	78 0.66 R	29.06.2020	22.07.2021	346 days
13028 of 2024	16/1 0.07 R	11.01.2021	22.07.2021	150 days
13029 of 2024	26/3 0.19 R	11.01.2021	22.07.2021	150 days
13030 of 2024	221/1 0.13 R	02.07.2020	22.07.2021	343 days
13031 of 2024	61 0.31 R	29.06.2020	22.07.2021	346 days
13039 of 2024	17/1 0.03 R	11.01.2021	22.07.2021	150 days
13035 of 2024	176 0.05 R	02.07.2020	22.07.2021	343 days
13036 of 2024	60 0.44 R	29.06.2020	22.07.2021	346 days
13037 of 2024	178 0.08 R	02.07.2020	22.07.2021	343 days
13038 of 2024	183	02.07.2020	22.07.2021	343 days

	0.08 R			
13040 of 2024	34 0.35 R	11.01.2021	22.07.2021	150 days
13046 of 2024	179 0.06 R	02.07.2020	22.07.2021	343 days
13047 of 2024	218 0.08 R	02.07.2020	22.07.2021	343 days

4. Learned counsel for the petitioners submits that the Petitioner received notices u/s 23 of the Act of 2013 as per the description given above. That, it was incumbent upon the petitioners to file reference proceedings within six weeks from the date of receipt of notice. However, owing to the restrictions imposed during the COVID-19 pandemic, the petitioners could not obtain certified copies of the land acquisition proceedings, including the award. It is submitted that the petitioners applied for certified copies on 15.06.2021 and received the same on 17.06.2021. Thereafter, they filed reference proceedings along with an applications for condonation of delay under Section 64(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the Act of 2013”). The said applications came to be opposed by the respondent–authorities.

5. After hearing the parties, by the impugned orders dated 31.01.2024 passed by the Deputy Collector, Land Acquisition (General), Dhule, rejected the petitioner/s’ applications. Learned counsel for the petitioners submits that sufficient cause has been shown for condonation of delay. It is further submitted that the petitioners are farmers and have fairly disclosed the reasons which prevented them from filing the proceedings within the prescribed period. It is urged that the petitioners have a legitimate claim

for enhancement of compensation and their rights deserve protection under Article 14 of the Constitution of India, particularly when similarly situated landowners are being granted such relief. It is further submitted that the petitioners are willing to waive interest for the delayed period as may be directed by this Court.

6. Per contra, the learned Assistant Government Pleader relies upon the affidavit-in-reply filed on behalf of the respondent - authorities and submits that no error has been committed by the authorities while passing the impugned orders in accordance with the provisions of the said Act. She further submits that paragraph 7 of the affidavit-in-reply justifies the rejection of the applications. The learned Assistant Government Pleader vehemently opposes the reasons advanced by the petitioner/s for condonation of delay contending that the grounds are omnibus in nature and do not constitute sufficient cause. Its an admitted fact that the Deputy Collector Land Acquisition (General), Dhule has considered the date of receipt of notice issued in format u/s 23 of the Act of 2013 for the purpose of counting limitation u/s 64 of the Act of 2013.

7. It is submitted by the learned Assistant Government Pleader that the powers of the District Collector u/s 64 of the Act of 2013 are exercised by the Deputy Collector, Land Acquisition (General), Dhule.

8. I have heard the learned counsel for the petitioners and learned Assistant Government Pleader at length.

9. Petitioner/s' claim is governed by the Right to Fair Compensation Act 2013. Section 64 of the Act of 2013 reads thus:

64.

(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken: Provided that every such application shall be made- (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the

notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.

10. Mr. Prathamesh M. Borde, learned Counsel fairly submits that the Petitioners seek benefit of the last proviso to the Section 64 of the 2013 Act. He would submit that the reason submitted by the Petitioners for failing to file the reference within the time stipulated in the provision is justifiable. The last proviso empowers the Collector to entertain a Reference Application though filed by a delay, but if filed within a period of one year from the date of cause of action for filing the reference application.

11. In the cases at hand, its not disputed that the Reference Applications are not filed within limitation as contemplated in Section 64 of the 2013 Act. Petitioners fairly accept the receipt of notice under Section 23 and 37(2) of the 2013 Act. It is an undisputed fact that the applications were filed within one year from the date of receipt of notice under Section 23.

12. Section 23 of the 2013 Act reads thus :

"23. Enquiry and land acquisition award by Collector - On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire

into the objections (if any) which any person interested has stated pursuant to a notice given under section 21, to the measurements made under section 20, and into the value of the land at the date of the publication of the notification, and into the respective interests of the person claiming the compensation and rehabilitation and resettlement, shall make an award under his hand of -

(b) the true area of the land;

(b) the compensation as determined under section 27 along with Rehabilitation and Resettlement award as determined under section 31 and which in his opinion should be allowed for the land; and

(c) the apportionment of the said compensation among all the persons known or believed to be interested in the land, or whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

State Amendments

[Maharashtra] *-In its application to the State of Maharashtra, after S. 23, the following section shall be inserted, namely :-*

"23-A. Award of Collector without enquiry in case of agreement of interested persons. -(1) Notwithstanding anything contained in section 23, if at any stage of the proceedings, the Collector is satisfied that all the persons interested in the land who appeared before him have

agreed in writing on the matters to be included in the award of the Collector in the form prescribed by rules made by the State Government, he may, without making further enquiry, make an award according to the terms of such agreement.

(2) The determination of compensation for any land under sub-section (1) shall not in any way affect the determination of compensation in respect of other lands in the same locality or elsewhere in accordance with the other provisions of this Act.

(3) Notwithstanding anything contained in the Registration Act, 1908 (16 of 1908), no agreement made under sub-section (1) shall be liable to registration under that Act"- Maharashtra Act 37 of 2018, S. 4 (w.e.f. 26-4-2018).”

13. The Petitioners are served with notice under Section 23 and 37 (2) of the Act. As such, its clear that Petitioners are not covered by Section 64 (2) (a) of the Act. Petitioner/s’ case is that only after receiving notice under Section 23 of the Act the Petitioners learnt about the Award. May it be, its not disputed that the application u/s 64 with applications for delay condonation are filed at-least within one year from the date of receipt of notice under Section 23 of the Act which has given cause of action to the Petitioners.

The statute, as observed supra empowers the Collector to condone the delay if reasons tendered by party are found satisfactory.

14. ‘Satisfaction on sufficient cause’ is a relative concept, and hence it is left to the discretion of the Collector calling upon to apply his/her reasoning

cautiously and mindfully. The cases of enhancement in land acquisition compensation, in my considered view, must not be treated by the Government Authorities as an adversary litigation. Farmers loose their sole source of earning in the compulsory land acquisition. The Authorities go by the rules and accordingly the awards are passed. The statutory provision for enhancement is drafted bearing in mind that there could be cases and eventualities where adequate and appropriate compensation might be missed to be awarded. That's why the enhancement provision is a form of benevolent legislation.

15. The rider of limitation is to avoid cooked claims and unnecessary burden on the state exchequer that may fall due to interest part of the enhancement. The claimant(s) falling deficit to lodge enhancement case within stipulated time has to show the natural and justifiable cause resulting into delay. Not everything can be explained or examined merely putting finger on the rules. Delay and reasons behind it must be examined pragmatically on the test of actual circumstances and ground reality. Hence cautiously the last Proviso to Section 64 of the Act is incorporated by the Legislature thereby leaving a room of one year for consideration at the end of the Collector. The District Collector is such an authority who is well aware and apprised of the general reasons, general conditions of the farmers in his district, the local factors in his district, special/distinguishing eventualities during the concerned period etc. which may cause delay in filing the enhancement claims by the farmers. The Collector is expected to consider mindfully the reasons rendered/even not rendered by the farmers which cause/may cause delay in filing enhancement in compensation. The Collector, although is a representative of the State, in true sense is a 'guardian' of interest of the

farmers in his district. It has to be seen that only due to technicality of a justifiable delay, deserving claimant must not suffer deprivation of equal right to enhancement. Hence, the delay condonation applications need to be adjudicated giving mindful thought, not on mechanical reasoning.

16. In the cases at hand, apparently the Petitioners hail from Adiwasi region of the State. The period during which Petitioners missed the limitation was of Covid-19 pandemic and the restraints imposed by the Government. Even after lifting the riders by the State authorities post Covid-19, its strong after-burns were lasting for a long time. The people were not only financially affected, but even their day-to-day activities, decision making process, communication etc. everything was affected. Its a matter of judicial note that a farmer may not straightway go and file his Reference application to the District Collector. He/she approaches an advocate of choice and the further processes are brought in motion. The Petitioners have explained satisfactorily that once they approached their advocate, the things were put in service and the applications were filed, though by a little delay.

17. Its pertinent to note that apparently the delay is not an inordinate delay. Although the Petitioners missed to lodge the references within the initial limitation, still were filed within One year as per the Proviso (supra). The only thing is that the Collector ought to have pragmatically considered the delay condonation applications, which in my opinion, is not done.

18. 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."

19. For the reasons recorded above, I am of the considered view that on the principle of equity and in the interest of justice, the Petitioners must get an opportunity to make out a case on merits for enhancement. A small and justifiable delay must not defeat the substantive right. Interest of the State from loss of public exchequer also needs to be protected, which can be done by putting some restraint on the interest over compensation.

20. Hence, I pass following order :

ORDER

A. The Writ Petitions are allowed.

B. Impugned orders dated 31.01.2024 passed by the Respondent No. 2 in Delay Applications, are quashed and set aside. The delays caused in filing the References u/s 64 of the 2013 Act stand condoned.

C. The Petitioners shall appear before the Deputy Collector, Land Acquisition (General), Dhule on 27.04.2026 or within a week thereafter alongwith the Reference Applications, relevant documents and copy of this order.

D. Thereafter the Deputy Collector, Land Acquisition (General), Dhule shall process Petitioner/s' Reference Applications in accordance with law.

E. In the event of enhancement of compensation, the Petitioners shall not be entitled for any interest from the last date of limitation pursuant to notice under Section 23 of the 2013 Act till the date of appearance before the Authority pursuant to this order.

F. Rule made absolute in above terms.

[AJIT B. KADETHANKAR, J.]

PRW