



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1084 OF 2026

Ananda Avchit Khalane
Age : 78 years, Occu. Agri.,
R/o. Vidyavihar Colony Sakri Road,
Tq. & Dist. Dhule.

....Petitioner
[Orig. Claimant]

Versus

1. The State of Maharashtra,
Through, Secretary,
Irrigation Department, Madama Kama Road,
Mantralaya, Mumbai.
2. The Collector, Dhule.
3. Deputy Collector, Land Acquisition, Dhule,
Administrative Office, Dhule,
Tq. & Dist. Dhule.
4. Executive Engineer,
Dhule Medium Project Division,
Dhule Nimna Panjhara (Akkalpada) Medium Project,
Left Kalva-1, Shinchan Bhavan,
Sakri Road, Dhule, Tq. & Dist. Dhule.

...Respondents
[Orig. Respondents]

AND

WRIT PETITION NO. 1085 OF 2026

Dadu Bhatu Patil,
Age : 50 years, Occu. Agri.,
R/o. Sutrepada, Tq. & Dist. Dhule.

....Petitioner
[Orig. Claimant]

Versus

1. The State of Maharashtra,
Through, Secretary,
Irrigation Department, Madama Kama Road,
Mantralaya, Mumbai.
2. The Collector, Dhule.

3. Deputy Collector, Land Acquisition, Dhule,
Administrative Office, Dhule,
Tq. & Dist. Dhule.
4. Executive Engineer,
Dhule Medium Project Division, Dhule
Nimna Panjhara (Akkalpada) Medium Project,
Left Kalva-1, Shinchan Bhavan,
Sakri Road, Dhule, Tq. & Dist. Dhule.

...Respondents
[Orig. Respondents]

.....

In both matters:

Mr. K. M. More – Advocate for the Petitioners

Mr. S. K. Tambe – Addl. G. P for the State

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**CORAM : SMT. VIBHA KANKANWADI
AND
HITEN S. VENEGAVKAR, JJ.**

DATED : 04TH FEBRUARY, 2026

ORDER [Per Smt. Vibha Kankanwadi, J.] : -

1. The present petitions have been filed challenging the order dated 31.01.2024 passed by Respondent No. 3 - Deputy Collector, Land Acquisition General, Dhule, in Applications No. 579/2023 and 367/2021.

2. Heard the learned Advocate for the Petitioners and the learned Addl.G.P for the State.

3. The present petitioners are the original claimants and they had filed Reference under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [hereinafter referred to as the 'Land Acquisition Act, 2013'].

The References were filed along with the Application for condonation of delay under Section 64(2) of the Land Acquisition Act, 2013. However, they came to be rejected by Respondent No. 3 on the ground that, no sufficient and reasonable ground has been shown for condonation of delay.

4. The learned Advocate for the Petitioners submits that, in both the Applications, sufficient reason has been mentioned. Almost all the Petitioners are illiterate and rustic and they do not have legal knowledge. The Petitioners in Writ Petition No. 1084 of 2026 had given reason that due to lack of legal knowledge they could not file Reference. In that case, they were directed to pay the stamp duty but they have failed but that cannot be the ground for not condoning the delay. The stamp duty can be recovered at any point of time even after the final decision as arrears of land revenue. Further, in Writ Petition No. 1085 of 2026, the delay was caused due to Covid-19 pandemic. The delay is ranging from 13 weeks to 23 weeks. Such delay cannot be said to be huge delay. He relied on the decision in *Lahu Arjuna Patil & Ors. Versus The State of Maharashtra, Writ Petition No. 9644 of 2016 and companion matters, decided on 25.01.2018* by the Division Bench of this Court at the Principal Seat, wherein it has been held as under:

“4. *A plain reading of this provision indicates that the application under Section 64 of the Land Acquisition Act, 2013 has to be made within the period specified in clauses (a) & (b) of sub-section (2) of section 64. This section also confers powers on the Collector to entertain such application after the expiry of the said*

period, within a further period of one year on being satisfied that there was sufficient cause for not filing the application within the period specified in the first proviso.”

5. The learned AGP objects to the Petitions and supports the reasons given by Respondent No. 3, stating no reasonable ground has been assigned so as to condone the delay and, therefore, the question of condonation of delay does not arise. He relies upon the decision of the Single Bench of this Court in *Sainath Devrao Janjal and another Versus The State of Maharashtra and others, Writ Petition No. 8328 of 2022 with companion matters, decided on 18th November, 2022.*

6. According to the learned AGP, the learned Single Bench of this Court was in fact of the opinion that the Collector has power under second proviso to Sub-section 2 of Section 64 of Land Acquisition Act, 2013, and in fact, it is the statutory provision and the question before the concerned Bench was whether the Collector can exercise the said power beyond the statutory period of one year prescribed in second proviso to Sub-section 2 of Section 64 of the Land Acquisition Act, 2013 and the facts in those matters disclose that the Reference was filed beyond one year prescribed under the second proviso and, therefore, it was held that the applications have been rightly rejected.

6.1. We agree with the view taken by the learned Single Bench in Lahu Arjuna Patil (supra).

7. In the case in hand, the delay in filing the Reference is not beyond the prescribed period of one year and, therefore, Respondent No. 3 had jurisdiction to decide the said applications for condonation of delay. The second proviso makes it very clear that, if reasonable ground has been shown, such delay in filing the Reference can be condoned. Therefore, in both the matters, Respondent No. 3 ought to have considered the reasons assigned therein.

8. In Writ Petition No. 1084 of 2026, the reason that was put forth was that the original claimants are illiterate, they do not have any legal knowledge and, therefore, they could not approach the appropriate authority within time. According to us, this is sufficient ground to condone the delay of thirteen (13) weeks.

9. In Writ Petition No. 1085 of 2026, the reason that was given was that, notice under Section 37(2) of the Land Acquisition Act, 2013, was given on 30.08.2020 and the Reference ought to have been filed on or before 11.10.2020, however, due to Covid-19 pandemic, there was total lock-down from 22.03.2020 onward. Thereafter, the certified copies were obtained but the Reference has been filed within the prescribed period of one year along with application for condonation of delay. This genuine reason has also been rejected by giving reference of the decision in *Suo Motu* Writ Petition No. 03/2020 by the

Hon'ble Supreme Court of India. Here, the delay is of 20 weeks and 2 days.

10. Having regard to the above, we come to the conclusion that, Respondent No. 3 has failed to exercise his powers under second proviso to sub-section 2 of Section 64 of the Land Acquisition Act, 2013. We pass the following order:

ORDER

- [i] The Writ Petitions are partly allowed.
- [ii] The impugned orders dated 31.01.2024 passed by Respondent No. 3 - Deputy Collector, Land Acquisition General, Dhule, in Applications No. 579/2023 and 367/2021, are set aside.
- [iii] The delay in filing the References under Section 64 of the Land Acquisition Act, 2013, stands condoned.
- [iv] Respondent No. 3 shall undertake the procedure for forwarding the Reference to the appropriate authority within a period of one (1) month from today.
- [v] Petitions stand disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE