



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

WRIT PETITION NO. 1093 OF 2026

1. Gangaram Namdeo Mali,
Age: 71 years, Occ: Agri.,
R/o. Mahatma Phule Chauk, Ner,
Tq. & Dist. Dhule.
2. Shriram Namdeo Mali,
Age : 57 years, Occ: Agri,
R/o. Mahsadi Fata, Navegaon,
Ner, Tq. & Dist. Dhule.
3. Shaligram Namdeo Mali,
Age : 56 years, Occu: Agri,
R/o. Navegaon, Ner, Tq. & Dist. Dhule.
4. Rekhabai Santosh Mali,
Age : 28 years, Occu: Agri,
R/o. Nandane, Tq. & Dist. Dhule.
5. Jijabai Dilip Mali,
Age : 65 years, Occ: Agri,
R/o. Patan, Tq. Shindkheda, Dist. Dhule.
6. Nivrutti Ramchandra Mali,
Age : 37, Occ: Agri,
R/o. Mali Galli, Ner, Tq. & Dist. Dhule.

....Petitioners
[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]

.....
Mr. K. M. More – Advocate for the Petitioners
Mr. V. M. Kagne – A. G. P. for the State
.....

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

DATED : 05TH FEBRUARY, 2026

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

1. The present petition has been filed challenging the order dated 31.01.2024 passed by Respondent No. 3 - Deputy Collector, Land Acquisition General, Dhule, in Application No. 565/2023.

2. Heard the learned Advocate for the Petitioners and the learned A.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 Reference was filed along with the Application for condonation of

delay under Section 64(2) of the Land Acquisition Act, 2013. However, it was 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, sufficient reason has been shown in the Application for condonation of delay. Almost all the Petitioners are illiterate and rustic and they do not have legal knowledge. The delay caused is of 16 weeks and 2 days. Such delay cannot be said to be huge one. 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 Petition 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 applications were 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 application 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, Respondent No. 3 ought to have considered the reasons assigned in the Application.

8. According to us, there is also a good reason for condonation of delay in the present petition. The reason assigned for delay is again illiteracy and lack of legal knowledge. The delay here is 16 weeks and 2 days.

9. 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 Petition is partly allowed.
- [ii] The impugned order dated 31.01.2024 passed by Respondent No. 3 - Deputy Collector, Land Acquisition General, Dhule, in Application No. 565/2023, is set aside.
- [iii] The delay in filing the Reference 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] Petition stands disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE