



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1508 OF 2026

1. Hirabai Sonu Wanjari (Kale)
2. Pushpa Balu Shintre (Wanjari)
3. Balu Bhagwan Shentre (Wanjari) .. Petitioners

Versus

1. The State of Maharashtra
Through, Secretary
Irrigation Department, Madama
Kama Road, Mantralaya, Mumbai-32.
2. The Collector, Dhule.
3. Deputy Collector, Land Acquisition, Dhule,
Administrative Office, Dhule,
Taluka and District Dhule
4. Executive Engineer,
Dhule Medium Project Division, Dhule,
Nimna Panjhara (Akkalpada) Medium Project,
Left Kalva-1.
Shinchon Bhavan, Sakri Road, Dhule,
Taluka and District Dhule .. Respondents

...
AND

WRIT PETITION NO.1509 OF 2026

- Rashid Shah Ismail Fakir .. Petitioner

Versus

1. The State of Maharashtra
Through, Secretary,
Irrigation Department, Madama
Kama Road, Mantralaya, Mumbai-32.

2. The Collector, Dhule.
3. Deputy Collector, Land Acquisition, Dhule,
Administrative Office, Dhule,
Taluka and District Dhule
4. Executive Engineer,
Dhule Medium Project Division, Dhule,
Nimna Panjhara (Akkalpada) Medium Project,
Left Kalva-1.
Shinchan Bhavan, Sakri Road, Dhule,
Taluka and District Dhule

.. Respondents

...

Mr. Jay R. Raundale, Advocate a/w Mr. Firoj Ahmed Shirpurkar, Advocate h/f Mr. Kumar Gaurav M. More, Advocate for the petitioners in both the petitions.

Mr. V. M. Kagne, AGP for respondent Nos.1 to 3/State in Writ Petition No.1508 of 2026.

Mr. S. B. Narwade, AGP for respondent Nos.1 to 3/State in Writ Petition No.1509 of 2026.

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

DATE : 10 FEBRUARY 2026

JUDGMENT (Per Hiten S. Venegavkar, J.) :-

. Both the petitions are filed challenging the orders passed by the Collector refusing to entertain the statutory applications under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013 (hereinafter referred to as the “Right to Fair Compensation Act”) for making reference to the competent Court of the land owners, who have raised dispute pertaining to the

quantum of compensation that has been awarded in pursuance to the land acquired by respondent Nos.3 and 4.

2. Learned Advocate appearing for the petitioners submits that the reference applications of the petitioners in Writ Petition No.1508 of 2026 and Writ Petition No.1509 of 2026 have been rejected by respondent No.3 on the ground of delay of 67 and 337 days respectively. Learned Advocate for the petitioners further submits that the impugned orders rejecting the applications for condonation of delay and thereby dismissing the reference applications are bad in law, as the learned Collector is competent enough under Section 64 of the Right to Fair Compensation Act to consider the cause made out by the petitioners in delay applications and condone the delay, if the same is not beyond a period of one year.

3. Learned AGPs appearing for the respondent Nos.1 to 3 in respective petitions state that the applications preferred for condonation of delay in filing the reference applications under Section 64 of the Right to Fair Compensation Act do not disclose any sufficient cause to the satisfaction of the Collector and, therefore, the impugned orders are rightly passed.

4. We have heard both the sides and have also perused the impugned orders on record. The impugned orders categorically state that the applications under Section 64 of the Right to Fair Compensation Act, seeking reference, were filed beyond the prescribed period of six weeks and as the same have not been filed within the period of limitation, the applications were rejected. Section 64 of the Right to Fair Compensation Act reads thus :-

“64. Reference to Authority.—(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.”

5. Perusal of Section 64 of the Right to Fair Compensation Act would show that proviso to sub-clause (2) (b) of Section 64 empowers the Collector to 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. Thus, as per the proviso to Section 64 (2) (b) of the Act, the Collector has power to consider delay application even if the application is not preferred within the period of limitation of six weeks and is also sufficiently empowered to condone the delay for a further period of one year, as empowered by the proviso to Section 64 (2) (b).

6. Recently, the Hon'ble Apex Court in the case of **The Deputy Commissioner and Special Land Acquisition Officer Vs. M/s. S. V. Global Mill Limited**, [Civil Appeal No(s).___ of 2026 (arising out of @SLP@ No(s).215-216 of 2023) decided on 09.02.2026, in paragraph Nos.29 and 30, it has been observed thus :-

“29. Section 64 of the 2013 Act permits persons aggrieved by the award passed under Section 23 to file an application before the Collector requiring him to refer the matter to the Authority for his determination. The Collector is then required to make the reference to the Authority within a period of 30 days. The aforesaid application for reference must be filed by the landowners within the period stipulated under Section 64(2). However, the proviso permits the Collector to extend the said period by up to one year in a given situation, if he is satisfied of the existence of sufficient cause for the delay. It is pertinent to note that this power to extend the period is not a quasi-judicial function of the Collector. In other words, the Collector wears two hats under the scheme of the 2013 Act. While on the one hand, he passes an award under Section 23 which is in the nature of a quasi-judicial function, on the other hand, he is required to make a reference to the Authority under Section 64, which is in the nature of an executive function, though involving civil consequences.

30. Upon expiry of the one-year period, as provided under the proviso to Section 64 of the 2013 Act, there is no recourse available to the landowners since the statute does not empower the Collector to exercise the power conferred under Section 5 of the 1963 Act for condonation of delay. The question of exercising that power does not arise even otherwise as at best, the Collector's action can be termed as an executive one. We further note that the statute does not provide any right of appeal if the landowner has failed to seek a reference within the stipulated time period. It also does not supply any power to the Court to grant an extension in seeking a reference. Accordingly, the right of a landowner to seek a reference is extinguished under the statute on the expiry of the stipulated time period."

Further, in paragraph No.33 of the aforesaid decision, it has been observed that :-

"33.An award passed by the Collector cannot be called a decree even though it accrues a right to the claimant and the Collector is bound by it. Thus, an award passed by the Authority becomes a decree, whereas the one passed by the Collector does not. In other words, the proceedings before the Authority mark the initiation of judicial proceedings for the very first time under the scheme of the 2013 Act, making them original proceedings. This is also one of the reasons why

the Collector does not have discretion to invoke Section 5 of the 1963 Act in entertaining a reference application beyond the one-year period provided for in the proviso to Section 64(2).”

7. This clarifies the position that the Collector can exercise the powers under Section 64 of the Right to Fair Compensation Act, more specifically the powers conferred upon him by the proviso to Section 64 (2) (b) of the Act, to condone the delay upto a period of one year and not beyond one year.

8. As far as Writ Petition No.1509 of 2026 is concerned, the reasons mentioned in the application by the petitioner is on account of lockdown during the corona period and because of that he could not approach the authorities within time. It appears that in both the present petitions, the delay is within the period of one year and, therefore, in our considered view, the Collector ought to have exercised his powers in accordance with proviso to Section 64 of the Right to Fair Compensation Act and condoned the delay for the reasons mentioned in the applications.

9. The petitioners are illiterate and rustic agriculturists, who are not well versed with the niceties of the legal provisions and their right to prefer statutory applications under the enactment. In our view, this constitutes sufficient cause for which the Collector ought to have

exercised his power under Section 64 of the Right to Fair Compensation Act and condoned the delay, which is within a period of one year.

10. For the aforesaid reasons, we proceed to pass the following order :-

ORDER

I) Both the writ petitions stand allowed.

II) Impugned orders dated 31.01.2024 passed by respondent No.3 are hereby quashed and set aside.

III) We further direct that the reference applications of the petitioner be forwarded to the competent authority in accordance with law within a period of two weeks.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm