



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.4967 OF 2025**

Hanmant s/o Ganpatrao Vairagkar,
Age-55 Years, Occup.- Business,
R/o. House No.B42332,
Veer Hanmantwadi, Latur,
Tq. and Dist. Latur.

..Petitioner

Versus

1. The State of Maharashtra,
Through The Collector Latur.
2. The Sub Divisional Officer,
and The Land Acquisition Officer,
Latur, Tq. and Dist. Latur.
3. The Commissioner,
Municipal Corporation,
Latur.

..Respondent

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Mr. G. J. Kore, Advocate for Petitioner.
Mr. S. A. Gaikwad, AGP for Respondent Nos.1 and 2.
Mr. T. M. Venjane, Advocate for Respondent No.3.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 05th JANUARY, 2026.**

FINAL ORDER:-

1. The petitioner takes exception to order dated 30.03.2021 bearing Outward No.2013/भुसं/कावी-२२ passed by respondent no.2/Land Acquisition Officer, Latur, thereby rejecting petitioner's application filed under Section 28 of Land Acquisition Act.
2. The land of petitioner was acquired under provisions of Maharashtra Regional and Town Planning Act vide Award dated 23.09.1986 passed by Assistant Collector/Land Acquisition Officer in File No.77/LNQ-CR-20. The other land holders from same

Award had filed Reference under Section 18 of Land Acquisition Act for enhancement of compensation. On 15.07.2013, in Land Acquisition Reference No.100/1991, Reference Court passed Award of enhanced compensation @ Rs.50/- per sq. ft.. The petitioner filed application under Section 28-A of Land Acquisition Act for redetermination of compensation before respondent no.2 within limitation period of 90 days as prescribed under law. However, respondent no.2 rejected petitioner's application observing that application is filed beyond prescribed period of limitation. Hence, this writ petition.

3. Mr. Kore, learned Advocate appearing for petitioner would submit that Land Acquisition Reference No.100/1991 arising out of same acquisition has been decided by District Judge, Latur vide judgment and Award dated 15.07.2013. The petitioner filed application under Section 28-A of Land Acquisition Act for redetermination of compensation on 07.10.2013 i.e. within period of 90 days. The respondent no.2 misinterpreted Section 28-A(1) of the Act and rejected Reference being barred by limitation, as it was not accompanied with certified copy of Award of Reference Court passed under Section 18 of Land Acquisition Act.

4. Mr. Gaikwad, learned AGP supports impugned order.

5. Having considered submissions advanced by learned Advocates appearing for respective parties and record tendered

into service before this Court, it can be observed that petitioner filed application under Section 28-A of Land Acquisition Act based on judgment of Reference Court dated 15.07.2013. Undisputedly, petitioner filed his application on 07.10.2013 alongwith photocopy of judgment and Award passed by Reference Court. The respondent no.2 relying upon language of Section 28-A(1) of Land Acquisition Act observed that if application is not accompanied by certified copy, Court Fees etc. that has to be treated as barred by limitation. The impugned order nowhere refers to objections raised by office of respondent no.2 regarding non-filing of requisite documents, particularly certified copy. In such case, it is expected that Authorities shall raise objection and inform concerned applicant to remove such deficiencies. However, once application under Section 28-A is tendered within period of 90 days, it could not have been rejected holding that it is barred by limitation. In that view of matter, impugned order is liable to be quashed and set aside. Hence, following order:

ORDER

- a. Writ Petition is allowed.
- b. The impugned order dated 30.03.2021 bearing Outward No.२०१३/भुसं/कावी-२२ passed by respondent no.2/Land Acquisition Officer, Latur, is hereby quashed and set aside.

c. The matter is remitted back to respondent no.2, who shall decide same in accordance with law within period of six months from date of this order.

d. Parties to co-operate.

(S. G. CHAPALGAONKAR)
JUDGE