

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6860 OF 2025

Asha Tukaram Rawate

VERSUS

State Of Maharashtra Through District Collect And Others

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Advocate for the Petitioner : Mr. Kurundkar Sameer Sunilrao

AGP for Respondent/State : Ms. R.R. Tandale

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : APRIL 23, 2026

PER COURT :-

1. Present petition takes exception to order dated 21.03.2025 passed by respondent no.2/Land Acquisition Officer, whereby respondent no.2 declined to forward reference filed under Section 18 of Land Acquisition Act, 1894 ('Act of 1894' for short) on the ground that reference is time barred.

2. The petitioner's land has been acquired for construction of Central Administrative Building and other government offices. The award under Section 11 is passed by Land Acquisition Officer. The petitioner was not served with notice under Section 12(2) of Act of 1894. Therefore, after getting knowledge of award, he filed reference under Section 18 before respondent no.2. The respondent no.2 refused to make reference on the ground that application for reference was not made within six weeks from date of notice under Section 12(2) of Act of 1894.

3. Learned advocate appearing for petitioner submits that Land Acquisition Officer passed award on 07.11.2013. The petitioner got knowledge of award on 10.02.2014. He received certified copies on 17.02.2014 and submitted reference on 05.03.2014. As such, reference was tendered well within limitation. He would further submit that Land Acquisition Officer has no powers to refuse to make reference on the ground of delay. The issue of limitation can be dealt with by Reference Court. In support of his submission, he relies upon judgment of this Court in case of **Gangutai Namdevrao Zampalwad Vs. State of Maharashtra and Others in Writ Petition No.11736 of 2024 with connected petitions dated 06.04.2026.**

4. Learned AGP supports impugned order and submits that date of service of notice under Section 12(2) is relevant for purpose of counting period of limitation and date of knowledge of applicant as pleaded by him cannot be basis for recounting limitation.

5. Having considered submissions advanced by learned advocates appearing for respective parties, this Court finds that petitioner has submitted his reference on 05.03.2014. The petitioner has incorporated necessary pleadings to support his claim that application for reference has been tendered within period of limitation. The question whether reference has been filed within limitation can be decided by Reference Court by framing appropriate issues. The respondent no.2 could not have refused to make

reference on the point of limitation. The issue ought to have been relegated to Reference Court.

6. In result, impugned order cannot be sustained in law and same deserves to be quashed and set aside. Hence, writ petition is allowed in terms of prayer clause (B) and (C).

7. Needless to state here that respondent/State shall be at liberty to raise point as to limitation before Reference Court which can be answered in accordance with law.

(S.G. CHAPALGAONKAR, J.)