

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2229 OF 2026

Abdul s/o Rehman Shaikh Hasan
Age : 64 years, Occ : Agri.,
R/o : Kawadgaon, Tq. Wadwani,
Dist. Beed.

..Petitioner

Versus

1. The State of Maharashtra
Through Principal Secretary,
Revenue Department,
Mantralaya, Mumbai-32.
2. District Collector,
District Collectorate Beed,
Dist. Beed.
3. Deputy Collector,
Majalgaon Sub Division,
Tq. Majalgaon, Dist. Beed.
4. Executive Engineer
Majalgaon Canal Division No.10,
Tq. & Dist. Parbhani.

..Respondents

...
Advocate for the Petitioner : Mr. D.R. Shelke a/w Mr. G.G. Mhaske
AGP for Respondent/State : Mrs. P.V. Diggikar

...
CORAM : S. G. CHAPALGAONKAR, J.

DATED : MARCH 04, 2026

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally with consent of parties.
2. The petitioner impugns order dated 24.04.2024 passed by respondent no.3, thereby rejecting his application filed under Section 28(A) of Land Acquisition Act, 1894.

3. Mr. Shelke, learned advocate appearing for petitioner submits that petitioner was not given opportunity of hearing before passing impugned order. His application filed under Section 28(A) of Land Acquisition Act has been rejected being barred by limitation. Mr. Shelke submits that similar issue has been considered by Hon'ble Supreme Court in case of Karam Chand (Dead) by Lrs. And Anr Vs. State of Himachal Pradesh and Anr in Civil Appeal No.17323 of 2017 decided on 27.10.2017. He further placed his reliance upon order passed by this Court in Writ Petition No.13721 of 2019 in case of Sojarbai Jijabhau Mane Vs. The State of Maharashtra and Others decided on 08.01.2020 and contends that it was necessary on part of respondent/authorities to grant sufficient opportunity to petitioner before rejecting application citing reason of limitation.

4. Having considered submissions advanced, it is apparent that petitioner was not given opportunity of hearing before passing impugned order. The record nowhere indicates that petitioner was given notice of hearing or the order is passed after giving opportunity of being heard. As rightly pointed out by Mr. Shelke in case of **Karam Chand** (supra), Hon'ble Supreme Court observed as under :

“We are of the view that even though limitation is prescribed and it is expected that the aggrieved party takes remedies within such prescribed time, the delay can be extended in appropriate cases. Subject to declining the interest for the delayed period, the compensation can be re-determined and paid to the appellants.”

5. Similar view is reiterated by Division Bench of this Court in case of Sojarbai (supra). In light of aforesaid observations, it would be necessary to set aside impugned order and relegate matter for reconsideration before respondent no.3.

6. In result, writ petition is allowed. The impugned order dated 24.04.2024 passed by respondent no.3 is quashed and set aside. The matter is relegated back to respondent no.3 for consideration afresh on merit and decide the same after giving an opportunity of being heard in favour of petitioner.

7. All contentions kept open.

8. Rule is made absolute in above terms.

(S.G. CHAPALGAONKAR, J.)