



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO. 3219 OF 2026

Sitaram s/o Baliram Korde & others

....Petitioners

VERSUS

The State of Maharashtra & others

.....Respondents

Mr. A. V. Indrale Patil, Advocate holding for Mr. D. K. Thote, Advocate
for the Petitioners.

Mr. A. M. Phule, AGP for the State.

**CORAM : SMT VIBHA KANKANWADI
& AJIT B. KADETHANKAR, JJ.**

DATE : 28th APRIL, 2026.

PER COURT :

1. Present petition has been filed for following reliefs :-

B) By appropriate Writ it be declare that, impugned Award dated 12/03/2025 passed by the respondent No. 5 is illegal and unsustainable being contrary to provisions of under section 24(1) and 26 to 36 of the Right to Fare Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 as well as Judgment passed in Writ Petition No. 1198/2023 by this Hon'ble High Court Bench at Aurangabad dated 24/09/2024 and consequently it be set aside by directing the respondent No. 5 to pass fresh award as per provisions

of section 24(1) and section 26 to 30 of New Act, 2013 and for that purpose necessary directions kindly be issued.

C) By appropriate writ to respondent No. 5 be directed to consider date of possession as 07/12/2013 as is evident from both Award passed by respondent No. 5 dated 02/01/2017 and 12/03/2025, further direct the respondent No. 5 to grant interest as per mandate of provision under section 30(3) of New Act, 2013 from the date of possession i.e. 07/12/2013 and for that purpose necessary directions kindly be issued.

2. It appears that the lands of the Petitioners were acquired. They were required to approach this Court by filing Writ Petition No. 1198/2023, which came to be allowed on 24.09.2024. The impugned award passed by Respondent No. 3 was quashed and set aside with further direction to the Respondent to pass a fresh award in the light of the observations at the earliest and in any case within a period of sixty days from the date of the order. Acquiring body preferred review against the said order, which came to be rejected vide order dated 12.12.2024. Thereafter, the fresh award was passed on 12.03.2025. Now, the Petitioners are contending that the fresh award that has been passed on 12.03.2025 is also not as per the order passed by this Court.

3. Here, we would like to consider Section 64 of the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 which provides that 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 determination of the authority, as the case may be, and then the Collector is duty bound in such circumstances to make a reference to the appropriate authority within a period of 30 days from the date of receipt of such application. Now, whatever award has been passed on 12.03.2025, appears to be not acceptable to the Petitioners. Learned Advocate for the Petitioners then states that the award lacks basic determination as per the provisions of law as well as on the facts. The statutory provisions for granting amount under particular head has not been considered. He has placed reliance on the decision in the case of Dalsing Shivlal Chandwade and others vs. State of Maharashtra and others, **Writ Petition No. 13031/2021** decided on 11.01.2023 wherein this Court has observed that the Petitioner would be resorted to the statutory remedy under Section 6 of the Act raising all these disputes, yet this Court can take note of the action of the State which is stated to be blatantly in violation of

the legislative provisions and therefore, petition under Article 226 of the Constitution of India is maintainable though alternate remedy is available.

4. Here, it is to be noted that when it comes to the quantum of amount that is determined, then certainly in the earlier petition, certain guidelines were given. If we consider the award then it is specifically stated that it is as per the order passed by this Court on 24.09.2024 in Writ Petition 1198/2023 and other companion petitions. Further, we consider the provisions of Section 64 of the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in which, any person interested who has not accepted the award has a right to file an application for reference. Therefore, every claim can be included in such application. Now, which factors have not been considered or have not been awarded can be gone into by the reference authority. We take that the Petitioners should approach the competent authority through Respondent No. 3.

5. When this fact is made clear to the Petitioners, learned Advocate for the Petitioners upon instructions, seeks withdrawal of

the Petition with liberty to approach the competent authority as per Section 64 of the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. We, therefore, dispose of the writ petition as withdrawn with liberty to the Petitioners to approach the competent authority under Section 64 of the Act of 2013 through Respondent No. 3. Such application be made by the Petitioners within a period of 15 days from today. Respondent No. 3 thereafter to take recourse as contemplated under Section of the Act and if there is any point in respect of limitation, Respondent No. 3 may condone the same in view of second proviso to Section 64 of the Act.

(AJIT B. KADETHANKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

dyb