

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 389 OF 2024

Laxmibai Gopalrao Patil deceased .. Petitioners
and Ors.

V/s.

Shri Jitin Rahman Ias Assistant .. Respondents
Collector Sub Divisional Officer
Nashik Division

Mr. Anil Ahuja, for Petitioners.

Mr. R.S. Pawar, AGP, for the State/Respondents.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : 5th MARCH 2026.

PC:

1. Heard learned counsel for the Petitioners and the learned AGP for the Respondents.

2. The Petitioners claim that Respondent – Collector, Nashik by passing the order dated 14th March 2024, has willfully disobeyed specific direction issued by this Court in the order dated 06/09/2023 passed in Writ Petition No. 9572 of 2023.

3. The learned counsel for the Petitioners invited the attention of this Court to checkered history of this case. It started with the first appeal of these Petitioners being disposed of by Judgment and Order dated 31/01/2008, wherein, on the one hand it was held that the

reference applications submitted on their behalf under Section 18 of the Land Acquisition Act, 1894, were time barred, but on the other hand in the very same Judgment, liberty was reserved for the Petitioners to invoke Section 28A of the said Act to approach the Collector for relief. It was highlighted on behalf of the Petitioners that in the very same judgment in the connected appeals the quantum of compensation was enhanced.

4. Despite the Petitioners approaching the Collector under Section 28A under the specific liberty granted by this Court in the Judgment and Order dated 31/01/2008, on 02/01/2009 their applications were rejected as being time barred by the Collector.

5. In that light, the Petitioners were restrained from again approaching this Court by filing Writ Petitions. The said Writ Petitions were disposed of by order dated 04/03/2021 setting aside the order passed by the Collector and directing that the application under Section 28A shall be considered on their own merits.

6. Thereafter, on 26/04/2021, the Assistant Collector and Sub Divisional Officer of Nashik, Sub Division, again passed an order rejecting the applications, observing that the applications of the Petitioners were not maintainable. The Petitioners therefore, were constrained to file Writ Petition No. 9572 of 2023, to challenge the said order. The said Writ Petition was disposed of by the aforesaid order dated 06/09/2023, wherein the Division Bench of this Court made the following observations:

"9. Once this is the authoritative pronouncement of the Hon'ble

Supreme Court as well as another Division Bench of this Court, we fail to understand how Respondent No. 1 rejected the applications of the Petitioners (filed under Section 28A of the 1894 Act) on the ground that the Petitioners had earlier filed applications under Section 18 of the said Act and therefore their applications under Section 28A are not maintainable or that they are not entitled to take benefit of the said Section. The Hon'ble Supreme Court as well as another Division Bench of this Court have clearly taken a view that where an application under Section 18 filed by a party is held to be barred by the law of limitation, he would still be entitled to file an application under Section 28A, provided he satisfies all other requirements as set out in the said Section. We find that the conclusion reached by Respondent No. 1 in the impugned Order runs directly contrary to the aforesaid decisions of the Hon'ble Supreme Court and the Division Bench of this Court.

10. In that view of the matter, the impugned Order is set aside and we direct the Respondent No. 1 to now decide all the applications filed by the Petitioners as well as 16 other applicants (filed under Section 28A) on merits, considering the same as maintainable. We would request Respondent No. 1 to dispose of these applications as expeditiously as possible and preferably within a period of 2 months from today.

11. We are informed that compensation as per the order of the Reference Court under Section 18 is already paid to the Petitioners. We direct that if any amount is already paid, the same shall obviously be adjusted while determining the compensation payable under Section 28A of the 1894 Act."

7. Pursuant thereto, the Respondent-Collector has passed the said order dated 14/03/2024, surprisingly again holding that the applications filed by Petitioners under Section 28A of the said Act are

not maintainable. In that context, reference was made to some Judgments of the Supreme Court.

8. We find that in the light of the above -quoted observations made by the Division Bench of this Court in the order dated 06/09/2023 passed in Writ Petition No.9572 of 2023, that the applications of the Petitioners under Section 28A of the said Act shall be considered as maintainable, indicating that their applications shall be decided on merits, the Respondent-Collector had no business to dispose of the applications by the order dated 14/03/2024 once again holding that the said applications were not maintainable.

9. The aforesaid conduct of the said Respondent indicates willful disobedience of repeated orders issued by various benches of this Court. Quite apart from the fact that the judgments referred to in Paragraph No. 4 of the order dated 14/03/2024 are not good law, the approach and attitude of the said Respondent are evident from the tenor of the order dated 14/03/2024. It appears that the Respondent is deliberately refusing to decide the applications of the Petitioners on merits.

10. We find that the said officer needs to be held accountable for such contumacious conduct, unless amends are made forthwith.

11. At this stage, the learned AGP seeks short adjournment to take instructions in the matter.

12. We expect remorse to be shown by the officer not only by tendering apology as given in the affidavit on record but also by withdrawing such order to take remedial steps.

13. List the Petition under the caption for directions on 13th March 2026, on the supplementary list.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)