

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4224 OF 2026

Kusum Ramdas Patil ... Petitioner
Vs.
Sub-Divisional Officer, Pen and others ... Respondents

Mr. A. A. Garge i/b. Mr. Kashyap Bhalerao for Petitioner.
Ms. Pooja Patil, AGP for Respondents-State.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**
DATE : APRIL 30, 2026

P.C. :

. Heard Mr. Garge, learned counsel for the petitioner as well as Ms. Patil, learned AGP for the respondent-State.

2. In our order dated 06.04.2026, we had recorded the distress expressed on behalf of the petitioner with regard to delay in disbursal of amount of compensation in respect of fruit bearing trees and other trees. On the basis of a communication sent by the Sub-Divisional Officer to the Collector, mentioning a particular amount towards the aforesaid compensation and proposing disbursal of the same to the petitioner, we had recorded that the officers of the respondent-State should act forthwith.

3. The respondent-State has filed its affidavit in reply through respondent No.1 Sub-Divisional Officer. Along with the reply, the respondent No.1 has annexed a copy of the land acquisition award dated 10.04.2015. It is to be noted that a copy of the said award was not annexed with the petition. Further documents have also been annexed with the affidavit in reply.

4. The learned counsel for the petitioner has reiterated the

submissions made before this Court when the order dated 06.04.2026 was passed, harping upon the fact that the petitioner is a senior citizen and a woman, who has been pursuing the respondent authorities for disbursal of compensation for fruit bearing trees and other trees.

5. The learned AGP, on the other hand, relies on the contents of the aforesaid award dated 10.04.2015. It is emphasized that while determining quantum of compensation, though the award specifies the amount of compensation payable to the petitioner for land, under the column 'compensation for trees', the Competent Authority has recorded the figure '0 (zero)'. It is submitted that if the petitioner was aggrieved by such determination of zero compensation for trees, the only remedy available for the petitioner was to approach the Collector under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Act of 2013'). It is further submitted that the letter at exhibit-A dated 04.07.2022 sent in the form of a proposal by the then Sub-Divisional Officer to the Collector refers to compensation for fruit bearing trees and other trees although there is no such determination in the award itself. It is submitted that in this context, the Collector recently responded and informed the SDO that the only remedy available to the petitioner was to seek a reference under Section 64 of the Act of 2013 and that there was no such provision for compensation on compassionate grounds as recorded in the proposal dated 04.07.2022. On this basis, the learned AGP submitted that the petition is without any substance and that it deserves to be dismissed.

6. Having heard the learned counsel, we find that while issuing notice on 06.04.2026, we were impressed by the contents of the proposal / letter dated 04.07.2022 issued by the then Sub-Divisional Officer to the Collector recommending a specific amount to be paid to the petitioner

for compensation on compassionate basis / damages for fruit bearing trees and other trees. As a copy of the award was not placed along with the petition, we proceeded on the basis that when the officers of the respondent-State were themselves actively considering disbursal of such compensation, as to why there was delay in disbursal of the same despite the fact that the petitioner is a senior citizen.

7. But, on a perusal of the copy of the award filed with the affidavit in reply, as also other documents filed therewith and upon considering the submissions made by the learned AGP on behalf of the respondent State, we find that the petitioner has not been able to make out a case in her favour.

8. The award dated 10.04.2015 determines compensation payable for land to the petitioner. The said amount has been disbursed. The very same award determines compensation for trees payable to the petitioner at zero. In other words, on the basis of the material available with the competent authority when the said award was passed, it was found that no compensation was payable to the petitioner for trees.

9. The petitioner was aware about the contents of the award and if she was aggrieved by the same, the only remedy available to her was to seek a reference before the Land Acquisition, Rehabilitation and Resettlement Authority, by approaching the Collector under Section 64 of the Act of 2013. The aforesaid provision, unlike Section 18 of the Land Acquisition Act, 1894, provides that the Collector can condone delay in moving such an application for reference, to the extent of delay of one year.

10. It is evident that the petitioner did not take recourse to the aforesaid remedy. The learned AGP has correctly pointed out that although the acquisition was initiated under the Land Acquisition Act,

1894, the determination of the quantum of compensation was under the Act of 2013, and therefore, as per Full Bench judgement of this Court in the case of *Pune Municipal Corporation Vs. Rajeve L. Sangtani and others* (**Civil Revision Application No.316 of 2016**) decided on **07.08.2019**, the remedy of reference was available under Section 64 of the Act of 2013 instead of Section 18 of the Land Acquisition Act, 1894.

11. In the face of the aforesaid position on facts and law, it is evident that the communication / proposal sent by the then Sub-Divisional Officer on 04.07.2022 to the Collector for payment of a specific amount of further compensation on compassionate ground / damages in respect of fruit bearing trees and other trees, was completely without any authority of law. Although the Collector should have responded promptly, we find that the aforesaid belated response dated 20.04.2026 of the Collector is in accordance with law and no fault can be found with the same.

12. The petitioner cannot claim any right or specific amount of compensation only on the basis of the aforesaid communication dated 04.07.2022 issued by the then Sub-Divisional Officer, as it is clearly in the teeth of the position of law. In any case, the Competent Authority, after having issued the award, becomes *functus officio* and would not have any authority to modify the award in any manner.

13. In view of the above, the writ petition is dismissed. The petitioner is at liberty to avail of such remedy as may be available in law.

14. It is made clear that this Court has not expressed any opinion on the merits of the claim regarding compensation for trees being made by the petitioner. We are of the opinion that the petitioner needs to follow the remedies available in law.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)