

(2026) 08 BOM CK 3022

In the Bombay High Court, Aurangabad Bench

Case No : Writ Petition No. 3747 of 2026

Chandulal Ajmoddin Shaikh

APPELLANT

Vs

The State Of Maharashtra & Ors.

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Land Acquisition Act, 1894 — Section 28-A, 18, 11

Citation : (2026) 08 BOM CK 3022

Hon'ble Judges : Abasaheb D. Shinde, J;Nitin B. Suryawanshi, J

Bench : Division Bench

Advocate : Mr. S.V. Gundre, Advocate for the Petitioner, Mr. B.B. Bhise, AGP for State

Final Decision : Allowed

Judgement

ORAL JUDGMENT : [Per Nitin B. Suryawanshi, J.]

1. Rule. Rule made returnable forthwith. Heard finally with the consent of parties.
2. This petition challenges the order passed by Respondent No. 2 dated 18.12.2025 and seeks further direction to pay the amount of compensation to the petitioner along with interest as per Section 28-A of Land Acquisition Act, on the basis of amount of compensation as determined by Reference Court in L.A.R. No. 198 of 2010 as well as as per the judgment and order dated 12.06.2025 passed by this Court in First Appeal No. 2670 of 2018.
3. Indisputably, petitioner's land bearing Gut No. 720 to the extent of 23 Are is acquired for construction of percolation tank at village Murud. The persons whose lands were acquired by the said notification filed L.A.R. No. 198 of 2010, under Section 18 of the Land Acquisition Act and the Reference Court was pleased to allow the said reference and awarded enhanced compensation.
4. The State challenged the said judgment and award passed by the Reference Court by filing First Appeal No. 2670 of 2018. Said appeal came to be dismissed

with costs on 12.06.2025 by the learned Single Judge of this Court.

5. After dismissal of appeal, petitioner approached Respondent No. 2 under Section 28-A of Land Acquisition Act, claiming compensation, as awarded to the similarly situated agriculturists. By the impugned order, said application is rejected as same is not filed within 90 days from the decision of the Reference Court.

6. Heard learned advocate for the petitioner and learned AGP for the State. Perused the record.

7. The Apex Court in *Banwari and Others v. Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) and Another*, AIR 2025 SC 165 has dealt with this issue as follows:

“15. In the present case, it is not in dispute that the First Appeal which was allowed by the High Court vide judgment and order dated 2nd May 2016 was in respect of the land which was covered by the same notification under which notification the appellants' land is also covered. It is also not in dispute that the amount awarded by the High Court in the said First Appeal is in excess of the amount awarded by the Collector under Section 11 of the 1894 Act in the case of the land of the appellants. It is also not in dispute that the appellants had not made an application to the Collector under Section 18 of the 1894 Act. It is also not in dispute that the application made by the appellants under Section 28-A of the 1894 Act to the Collector was within a period of three months from the date of the judgment and order of the High Court.

16. From the perusal of the judgment of this Court in the case of *Pradeep Kumari and Others (supra)*, it is clear that the limitation for moving the application under Section 28-A of the 1894 Act will begin to run only from the date of the award on the basis of which redetermination of the compensation is sought. The appellants are seeking redetermination of the compensation on the basis of the judgment and order of the High Court in First Appeal No.429 of 2023 dated 2nd May 2016. It is not disputed that the application of the appellants under Section 28-A of the 1894 Act is within a period of three months from 2nd May 2016.”

8. The petitioner's case is squarely covered by the aforestated observations. Admittedly, petitioner has filed application under Section 28-A before respondent No.2 within 90 days from the date of judgment and award passed by this Court

9. In the light of above the impugned order dated 18.12.2025 passed by Respondent No. 2 cannot be sustained and same is hereby quashed and set aside.

10. The matter is remitted back to Respondent No. 2 to decide the application of the petitioner, in accordance with law, within a period of 8 weeks from the date of receipt of copy of this order.