

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S. B. Civil Writ Petition No. 4122/2026

URN: CW / 9262U / 2026

1. State of Rajasthan, through Additional Chief Secretary, Urban Development and Housing Department, Government of Rajasthan, Government Secretariat, Jaipur.
2. Rajasthan Housing Board, through Secretary, Janpath, Jyoti Nagar, Jaipur.
3. Special Officer, Urban Development and Housing Department, Rajasthan, Jaipur, Present Office, Rajasthan Housing Board, Jaipur.

-----Petitioners/Non-Applicants

Versus

M/s Hariyali Rural Ventures Ltd., 5Th Floor, Kanchenjunga Building, 18 Barakhamba Road, New Delhi, Present Address - 2Nd Floor (West Wing), Word Mark-1, Aerocity, New Delhi, through authorized representative Rajiv Kumar Gupta, Son of Late Shri N.C. Gupta.

-----Respondent/Applicant

For Petitioners	:	Mr. M.F. Baig Advocate.
For Respondent	:	Mr. Kamlakar Sharma, Senior Advocate assisted by Mr. Madhusudan Singh Rajpurohit Advocate. Mr. Vishal Kumar Advocate and Ms. Pooja Sharma Advocate on behalf of Mr. Manoj Sharma Additional Advocate General.

HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

06/07/2026

1. This writ petition has been file by the petitioners against order dated 12.09.2025 passed by the Land Acquisition Rehabilitation and Resettlement Authority, Headquarter Jaipur (hereinafter to be referred as 'LARRA'), whereby, the review

application filed by the respondent has been allowed with direction to calculate compensation for acquisition of land as per the instructions given in the order. Petitioners have also challenged order dated 26.05.2025 passed by the LARRA whereby reference application filed under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter to be referred as 'the Act of 2013') has been decided in favour of the respondent.

2. At the outset, Mr. Kamalakar Sharma, learned Senior Counsel appearing on behalf of the respondent raised a preliminary objection with regard to maintainability of the writ petition filed by the petitioners on the ground that any award passed by the LARRA under Section 69 of the Act of 2013 is subject matter of appeal under Section 74 of the Act of 2013. However, such appeal can be preferred only within a period of 60 days from the date of award passed by the LARRA under Section 69 of the Act of 2013. Learned Senior Counsel further submits that although there is a provision of condonation of delay, yet proviso to Section 74 of the Act of 2013 makes it clear that delay of not exceeding 60 days can be condoned by the appellate authority under Section 74 of the Act of 2013. As such, present writ petition has been filed by the petitioners even after lapse of maximum period of condonation permitted under the Act of 2013 for filing appeal against award passed by the LARRA. Learned Senior Counsel, in support of his arguments, relied upon judgments rendered by the Division Benches of this Court in the cases of **M/s. Thekadar Pankaj Sharma vs. State of**

Rajasthan & Others (D.B. Civil Writ Petition No. 1632/2024 decided on 04.04.2024) and Malik Khan vs. Chief Commissioner GST and Central Excise & Another (D.B. Civil Writ Petition No. 2785/2023 decided on 03.05.2023).

3. While responding to the aforesaid preliminary objection raised by learned Senior Counsel appearing on behalf of the respondent, learned counsel for the petitioners submitted that in the instant case, while passing orders dated 26.05.2025 and 12.09.2025, the LARRA has totally ignored the basic principles of computation and assessment of compensation against the acquisition of land. Thus, where the LARRA has brushed aside all the statutory provisions and orders have been passed against the scheme of the Act of 2013, writ petition can be maintained by the petitioners. Learned counsel further submits that it is settled proposition of law that law of limitation does not apply for entertaining writ petition under Article 226 of the Constitution of India. It is merely required to be examined as to whether the petitioners have approached this Court within reasonable time or not. Learned counsel for the petitioners submits that since the initial order dated 26.05.2025 passed by the LARRA was subject matter of review application filed by the respondent, therefore, at the relevant time, there was no occasion for the petitioners to approach this Court by way of filing present writ petition and only when review petition was decided on 12.09.2025, immediately thereafter, on 30.01.2026, present writ petition has been filed. Thus, the facts mentioned hereinabove would make it absolutely clear that writ petition has been preferred by the petitioners within

reasonable time and hence, question of delay and laches does not arise in the present writ petition. Therefore, learned counsel for the petitioners prayed for examining the merits of the writ petition and to quash the impugned orders.

4. Having heard rival contentions advanced by learned counsel for the parties and upon perusal of material on record, this Court deems it just and proper to consider preliminary objection raised by learned Senior Counsel appearing on behalf of the respondent before entering into merits of the case.

5. There is no dispute between the parties to the extent that feeling aggrieved with quantum of compensation awarded to the respondent in an award passed by the Land Acquisition Officer (LAO) for acquiring land of the respondent, reference application under Section 64 of the Act of 2013 was preferred by the respondent and such application was ultimately referred to the LARRA for proper adjudication under Section 64 of the Act of 2013. While allowing the reference, an award under Section 69 of the Act of 2013 was passed by the LARRA on 26.05.2025. Pointing out alleged error apparent on the face of record, an application for review was submitted by the respondent before the LARRA which was entertained and after hearing both the parties, review petition was decided vide order dated 12.09.2025, whereby, the error earlier crept in order dated 26.05.2025 was rectified and the re-computation of compensation was directed. Bare perusal of order dated 12.09.2025 would make it clear that the aforesaid order shall remain part and parcel of original order dated 26.05.2025. Under these circumstances, both orders dated 26.05.2025 and

12.09.2025 shall be treated as an award under Section 69 of the Act of 2013. As per the scheme of the Act of 2013, an award passed by the LARRA under Section 69 of the Act of 2013 can be subjected to challenge by way of filing an appeal before this Court under Section 74 of the Act of 2013. However, rider has been put in the aforesaid provision that the appeal can be filed to the High Court within a period of 60 days from the date of award. Although provision of condonation of delay in filling appeal has also been prescribed, yet such power of condonation has been confined and restricted in the manner that delay exceeding 60 days cannot be condoned even by the appellate court.

6. Under these circumstances, it is clear that even if the present writ petition were to be treated as an appeal under Section 74 of the Act of 2013, in view of proviso to Section 74 of the Act of 2013, on account of expiry of maximum period permissible for condonation of delay, the rights of the petitioners even to maintain appeal stood foreclosed and the appeal could not have been entertained by this Court after expiry of maximum permissible period for condonation of delay.

7. This Court finds that under similar circumstances, when Section 107 of the Central Goods and Services Tax Act, 2017 also provides for limitation period for filing appeal against an order under Section 74 of the above Act with further rider of maximum period prescribed for condonation of delay of not more than three months, the Hon'ble Supreme Court in the case of **Assistant Commissioner (CT) LTU, Kakinada & Others vs. Glaxo Smith kline Consumer Health Care Limited, (2020) 19 SCC 681** has

held that under the circumstances where the petitioner did not file appeal either within the period of limitation or within the maximum permissible period under the Act for condonation of delay, writ petition cannot be maintained and while allowing the appeal, the Hon'ble Supreme Court dismissed the writ petition which was filed before the High Court.

8. Following the aforesaid judgment of the Hon'ble Supreme Court in the case of **Assistant Commissioner (CT) LTU, Kakinada & Others vs. Glaxo Smith kline Consumer Health Care Limited (supra)**, the Division Benches of this Court in the cases of **M/s. Thekedar Pankaj Sharma (supra)** and **Malik Khan (supra)** have taken similar view.

9. Even thorough examination of memo of writ petition filed by the petitioners does not reveal even a whisper that the LARRA under the Act of 2013, while passing the impugned orders, has acted without jurisdiction. This Court finds that no explanation whatsoever has been given in the entire memo of writ petition by the petitioners for not approaching the appellate court either within the prescribed limitation period or within the maximum permissible period for condonation of delay. This Court further finds that although appeals under Section 74 of the Act of 2013 are maintainable before this Court, yet in the present case, owing to expiry of maximum permissible period for condonation of delay, such an appeal could not have been maintained before this Court. Thus, rights of the petitioners stood extinguished on account of not approaching even the appellate court within time.

10. For the reasons discussed hereinabove, this Court finds that writ petition filed by the petitioners is not maintainable and the same is hereby dismissed as such at the threshold.

11. Pending applications, if any, stand dismissed.

(ANAND SHARMA),J

MANOJ NARWANI/10/