

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7205 OF 2013

Pandharinath Padmakar Patil & Ors.	.. Petitioners
V/s	
The State of Maharashtra & Ors.	.. Respondents

Mr. Sachin Punde for the petitioners.
Mr. N.P. Deshpande, AGP for the State.
Mr. Nishant Tripathi with Mr. Vaibhav Bandgar i/b M. Tripathi & Co.
for respondent nos.1 and 2.

**CORAM: DR. MANJULA CHELLUR, C.J. &
G.S. KULKARNI, J.**

DATE : 7th FEBRUARY 2017

P.C.:

Heard the learned counsel for the petitioners as well as the learned Government Advocate.

2. According to the petitioners, they are the persons interested in the land, some by virtue of tenancy rights conferred upon them under the Bombay Tenancy Laws and some are owners of the land. According to the them, they were the persons notified in the notification issued under sections 4(1) and 6(1) of the Land Acquisition Act. Totally unconnected, a third party has filed an application claiming that they have purchased the land from the erstwhile owner, i.e. a public charitable trust, respondent no.3

herein. Therefore, according to them, the authority before whom such application is filed ought not to have entertained the same since they could not have purchased the land belonging to the Trust when it is a tenanted property.

3. If at all the petitioners were statutory tenants, who were entitled for a confirmation of tenancy rights and, according to the petitioners, some of them were confirmed with such certificate and if other petitioners are the owners of the land or persons having interest in the land, if they are already shown in the notification, by virtue of reference made by third party before the Land Acquisition Officer, it becomes a dispute between the persons who are claiming interest in the property by whatever means or under whatever title or source of title. Ultimately the officer has to decide the dispute under section 30 of the Land Acquisition Act holding who is entitled for compensation amount or whether there is possibility of apportionment of compensation amount.

4. The petitioners seek intervention of this Court at this stage seeking a clarification from this Court that even the reference ought not to be entertained by the officer before whom it is pending. Want of jurisdiction, maintainability and locus standi can all be matters which could be brought to the notice of the officer who deals with the matter. After disposal of reference filed under section 30 of the Act, it is open to the parties, who are affected by such order, to

take further course of legal action. We are of the opinion that at this stage, it is too early to decide the same in this writ petition whether the petitioners are entitled or the third party is entitled for the money by virtue of conveyance.

5. With the above observations, the writ petition is disposed of.

(G.S. KULKARNI, J.)

CHIEF JUSTICE