



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 3834 OF 2024

1. Latabai Bhaskar Patil  
Age: 70 years, Occu.: Household,
2. Shashikant Bhaskar Patil  
Age: 48 years, Occu.: Labour,
3. Meena Sunil Shinde  
Age: 50 years, Occu.: Service

All R/o Wagh Wada Chowk,  
Avdhan, Dhule

..PETITIONERS

VERSUS

1. State of Maharashtra  
The Secretary, Revenue Department,  
Mantralaya, Mumbai 32
2. The Sub-Divisional Officer,  
Dhule Division Dhule and  
Competent Authority for Land Acquisition  
for proposed railway track  
“Borvohir to Nardana”
3. The Deputy Chief Engineer (Construction),  
Central Railway, Bhusawal,  
Dist. Jalgaon

..RESPONDENTS

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Mr. B.R. Waramaa, Advocate for petitioners  
Mr. S.J. Salgare, A.G.P. for respondent no.1 – State  
Mr. R.B. Bhosale, Advocate for respondent nos. 2 and 3

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CORAM : R.G. AVACHAT AND  
NEERAJ P. DHOTE, JJ  
DATE : 22<sup>nd</sup> OCTOBER, 2024

**PER COURT :**

1. Heard.

2. This petition has been filed for the following main relief :-

*“A) By issuing writ of Mandamus or appropriate writ or directions or orders in the like nature, the respondent no.2 be directed to refer the objections dt. 26/7/2023 (Exh.”C”) to the Civil Court in terms of 20H(3) & (4) of the Railways (Amendment) Act, 2008 for adjudication of the claim in compensation of acquired suit properties being Block No.48 and 49 described in award.”*

3. Respondent No. 3 is the Deputy Chief Engineer (Construction), Central Railway, Bhusawal, Dist. Jalgaon, while Respondent No.2 is the Sub-Divisional Officer, Dhule Division, Dhule and competent authority for Land Acquisition for proposed railway track “Borvohir to Nardana”. The award has been passed on 26<sup>th</sup> September, 2023, whereas the petitioners had already raised objection therein. The objection is dated 26<sup>th</sup> July, 2023. They were armed with a decree of Civil Court holding them to have share in the acquired land. In the given facts and circumstances of the case and specifically in view of the provisions of Sub-section 4 of Section 20H of the Railways (Amendment) Act, 2008, the competent authority ought to have referred the dispute to the Civil Court of original jurisdiction i.e. the Principal District Judge of the concerned district. The same has not been done.

4. Objection of learned counsel for Respondent Nos. 2 and 3 is that, the petitioner did not come with 7/12 extract indicating his name as owner thereof. Needless to mention, the 7/12 extract is not a document of title. The same is only meant for fiscal purposes. When the petitioners were armed with a decree of Civil Court, the competent authority ought to have referred the dispute in terms of prayer clause (A).

5. For the aforesaid reasons, we allow the writ petition, in terms of prayer clause (A).

SSD ( NEERAJ P. DHOTE, J. )

( R.G. AVACHAT, J. )