



- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 WRIT PETITION NO. 9527 OF 2024

SAJEDA KHANAM MUKHTAR KHAN PATHAN TADVI

VERSUS

THE UNION OF INDIA THROUGH ITS SECRETARY AND OTHERS

Mr.S.R.Bagal, Advocate for the Petitioner.

Mrs.S.S.Chintamani (Kulthe), Advocate for Respondent Nos. 1 and 2.

**(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)**

DATE : SEPTEMBER 12, 2024

PER COURT :

1. The Petitioner before us, is aggrieved by the order passed in March 2024, by the Competent Authority for Land Acquisition, Nanded. The said order is sought to be challenged in this Petition filed on 22.08.2024.

2. The Petitioner contends that without there being enough material, merely because a dispute is raised by Respondent No.29, the Competent Authority should not have mechanically transferred the matter to the Principal Civil Court having original jurisdiction for adjudication. We find from the impugned order that there is already a dispute pending between the parties in Spl.C.S.no. 93/2022 for partition and separate possession, along

with another Civil Suit bearing No.163/2021.

3. Though the Petitioner claims that the property to which she stakes a claim, is the self acquired property of her deceased husband, the said property is a part of the pending suits, having been placed in a common hotchpot. In the light of the pending suits, when the Trial Court is already considering the dispute as to whether the said property is a self acquired property or a part of the ancestral property, the competent authority had no option, but to refer the matter to the Civil Court. Naturally, the parties can request the transfer of all these proceedings before a particular Court for being decided together.

4. In view of the above, we do not find that the competent authority has committed any error in referring the matter for adjudication to the Civil Court.

5. This Petition, being devoid of merit, is, therefore, dismissed.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)