



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO. 12125 OF 2024

PRADEEP JAGNNATH SHINDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AND OTHERS

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Mr. A. P. Naiknaware h/f Mr. R. V. Naiknavare, Advocate for the Petitioner
Mr. S. N. Kendre, AGP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 18th DECEMBER, 2024

PER COURT :-

1. Heard.
2. This petition takes exception to order dated 17th January, 2024 passed in Land Acquisition Reference No. 222 of 2015 below Exhibit 52 rejecting the application filed by the petitioner herein for correction in the name of the village in respect of which the land came to be acquired. It was his contention that the land is acquired from village Sangvi-Kati, however, erroneously in the award passed by S.L.A.O. the village name was recorded as Dahiwadi. The petitioner, therefore, has sought amendment to the claim by contending that he be permitted to replace the name of village from Dahiwadi to Sangvi-Kati. This application came to be rejected by the learned Reference Court.

3. During the course of the hearing, learned AGP was asked to seek instructions as to whether there is any error in the award passed by the S.L.A.O. in respect of in the name of village from which the land of the petitioner came to be acquired. Written instructions in this regard indicate that there is mistake in the name of village as it is wrongly mentioned as village Dahiwadi instead of Sangvi-Kati. It is however, stated that in view of Section 13A of the Land Acquisition Act, 1894 no change can be made in the award after six months of passing thereof.

4. The question arises before this Court as to whether the Reference Court could carry out the said correction in the award. The reference made to the said Court in respect of the challenge to the contempt of the compensation granted by S.L.A.O. in respect of the land acquired belonging to the petitioner. The Reference Court cannot go beyond the terms of reference. Thus, it was not open for it to allow application filed by the petitioner seeking correction thereof. Thus, order impugned is not interfered with at this stage.

5. Since admittedly in award the name of the village is wrongly mentioned as Dahiwadi in stead of Sangvi-Kati, the Collector can be directed to allow such application if made by the petitioner. Hence the petitioner to move an application under Section 13A of the Land Acquisition Act, 1894 before the Collector for seeking the correction in

the award. Learned counsel for the petitioner undertakes to file such application within a period of four weeks from today. On filing of such application Collector to issue directions for correction of award, since it is mistake of the Government Authority and the petitioner cannot be made to run from pillar to post. The order be passed within one month of making of application.

6. Needless to say that after passing of order by the Collector, it is open for the petitioner to carry out such amendment to the statement of claimants, since thereafter Reference Court would not be in a position to refuse to amend the pleadings.

7. Petition stands disposed of in above terms.

(R. M. JOSHI, J.)

ssp