



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 WRIT PETITION NO. 688 OF 2025

Ramrao Parasram Dhabe

VERSUS

The Sub Divisional Officer Hingoli And Another

Advocate for the Petitioner : Mr. S.S. Londhe

AGP for Respondents: Mr. S.P. Joshi

Advocate for Respondent 2 : Mr. M K. Deshpande

CORAM : S. G. CHAPALGAONKAR, J.

Dated : June 11, 2025

FINAL ORDER :-

1. The petitioner impugns the order dated 15.10.2024 passed by the learned Civil Judge, Senior Division, Hingoli in LAR No.34 of 2021 by which respondent no.2 is held entitled to receive the compensation of Rs.56,44,200/- against acquisition of agricultural land for construction/expansion of National High Way no.161.

2. It is contention of petitioner that he purchased the land gat no.143 admeasuring 30R situated at village Mop, Tq. and District Hingoli from its original owner i.e. Kisan Barve for consideration of Rs.2,000/- Original owner Kisan died on 12.11.1994. Name of petitioner has been recorded in Pahani Patrak or mutation record as possessor. On 30.6.2020 the suit

land has been acquired and finally award is passed by the competent authority under provisions of National Highways Act, 1956. Petitioner claimed compensation amount. However, respondent no.2 raised an objection raising her claim before competent authority on compensation amount. Eventually, Reference under section 3-H (4) of National Highways Act was made to the Civil Court vide LAR No.34 of 2021. Learned Civil Judge S.D. Hingoli, decided Reference in favour of respondent no.2 declaring her entitlement for compensation amount towards acquired land.

3. It is contention of respondent no.2 that she is daughter of late Kisan Barve i.e. original owner of land and petitioner is unconcerned with the same. Learned Civil Judge S.D. accepted objection of respondent no.2 and directed release of compensation in her favour vide order impugned in this petition.

4. Mr. Londhe, learned advocate by inviting attention of this Court to 7/12 extract of the land S.No.143 would submit that name of the petitioner was mutated as owner and he was in possession. He would further invite attention of this Court to notices issued by S.L.A.O./competent authority

wherein petitioner is shown as possessor of the land. According to Mr. Londhe, aforesaid evidence is sufficient to accept right and interest of petitioner in the compensation amount. He submits that learned Civil Judge S.D. Hingoli rejected claim of petitioner only for reason that he does not possess sale-deed conferring ownership upon him. Mr. Londhe would further invite attention of this Court conferring to panchnama dated 1.6.2019, which depicts petitioner's possession at the time of acquisition.

5. Per contra, Mr. M.K. Deshpande, learned advocate appearing for respondent no.2 supports the impugned order. He submits that petitioner is raising contradictory plea of his ownership so also adverse possession. The learned Civil Judge S.D. has rightly refused to accept such plea and gave verdict in favour of the respondent, who is daughter/successor of original owner.

6. Having considered submissions advanced, it can be observed that acquired land was originally owned by Kisan Shambhu Barve. There is no dispute on this point. Petitioner claims that he acquired ownership of land from Kisan Barve, as he transferred land to him for consideration of Rs.2,000/- in

his favour. Admittedly, there is no document depicting such transfer. Copy of 7/12 extract placed at Exhibit 'A' alongwith petition shows petitioner's name as occupier of the suit land. However, it does not suggests that petitioner acquired title. It is trite law that mutation entry is not the document of title. It has utility only for fiscal purpose.

7. It is true that in notice issued by the competent authority, petitioner is refereed as possessor and name of Kisan is referred as owner. However, there is nothing on record to depict nature of possession of the petitioner. Respondent no.2 has placed on record sufficient material indicating that she is daughter of original owner Kisan, who expired in the year 1994. She has placed on record copy of her school leaving certificate. She entered into witness box and deposed about her relationship. She has placed on record copy of succession certificate at Exh.56. Pertinently, petitioner has not seriously disputed relation between original owner Kisan Barve and respondent no.2/Godavari.

8. Pertinently, petitioner had instituted RCS No.55 of 2021 seeking relief of declaration of his ownership by adverse possession and perpetual injunction against respondent

authorities from releasing compensation in favour of the respondent no.2. However, said suit is unconditionally withdrawn on 15.10.2022 vide purshis exhibit 28. Prior to that he had instituted a suit RCS No.152 of 2019 against deceased Kisan Barve which has been dismissed as withdrawn. It is therefore clear that petitioner has made attempts to prove his ownership over acquired land and entitlement to receive the compensation, however, could not take any proceeding to logical end. Merely, on the basis of stray entry in record of rights and depiction of his possession would not confer upon him any right to receive compensation of acquired land. Respondent no.2 being daughter of owner/Kisan Barve is rightly held entitled to receive the compensation. In the result, there is no merit in this writ petition. Writ Petition stands **dismissed.**

(S. G. CHAPALGAONKAR, J.)

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