



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1124 OF 2025

**BABA DEVRAO SABLE DIED THROUGH LRS SUBABAI
BABASAHE SABLE AND OTHERS**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR AND OTHERS**

...

Shri Shrikant Patil, Advocate h/f Shri Deshmukh Vivekanand B.,
Advocate for the Petitioners.

Shri S.V. Hange, AGP for the Respondents/State.

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CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 22nd January, 2025

Per Court :-

Heard the learned advocate for the petitioners.

2. Issue notice to the respondents. Advocate Shri Hange, the learned AGP, waives service of notice for respondent Nos.1, 2 and 3.

3. By consent of the parties, the matter is taken up for final hearing.

4. The petitioners have raised challenge to the judgment and order dated 29.07.2022 passed by the Civil Judge,

Senior Division, Paranda, in LAR No.426/2018.

5. The learned advocate for the petitioners submits that the Reference Court has rejected LAR No.426/2018 only on the ground that two other persons, who were necessary parties in the reference proceedings, were not added as parties to the reference application. It is submitted that the land under acquisition belonged to three persons, namely, Suresh Ganpat Sable, Gopal Bhanudas Lomate and Baba Devrao Sable. The petitioners are the legal heirs of Baba Devrao Sable. The other two persons have not filed any reference and they have received compensation amount. It is, therefore, submitted that although those two persons have not filed any reference application, the reference application filed by the petitioners, who had claimed enhanced compensation, ought to have been considered on its own merits. It is submitted that the rejection of reference application only because the names of other two persons are not arrayed, demonstrates an erroneous approach on the part of the Reference Court.

6. The learned AGP submits that since the names of other two persons are reflected being owners of the property

which was under acquisition, the petitioners were duty bound to add them as parties and on this count, he has justified the impugned order.

7. It is to be noted that the petitioners herein, who are legal heirs of Baba Devrao Sable, only desired to make a reference under Section 18 of the Land Acquisition Act, 1894. In view of the fact that other two persons, namely, Suresh Ganpat Sable and Gopal Bhanudas Lomate have not filed any reference probably because they have received compensation amount and they had no grievance, the petitioners herein need not be required to suffer. However, it is also necessary to note that to give completion to the proceedings with respect to the particular piece of land owned by these persons, if names of those persons are joined in the proceedings, the position about their receipt of compensation and their desirability to challenge the award will become clear. It is, therefore, necessary to remand the matter to the Reference Court by directing the petitioners to join the names of those persons so that the proceedings with respect to the land in acquisition can be decided completely. Hence, the following order:-

- (a) The Writ Petition is partly allowed.
- (b) The impugned judgment and award dated 29.07.2022 to the extent of LAR No.426/2018 is quashed and set aside.
- (c) LAR No.426/2018 is remanded back to the learned Civil Judge, Senior Division, Parana, for its fresh decision.
- (d) The petitioners are directed to join the names of Suresh Ganpat Sable and Gopal Bhanudas Lomate as parties to the reference proceedings and cooperate the Court for its expeditious disposal.
- (e) The reference proceedings be decided by the Reference Court expeditiously.

kps

(PRAFULLA S. KHUBALKAR, J.)