



{1}

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO. 11197 OF 2025

Chandsaheb Rahemansaheb Shaikh

VERSUS

The State Of Maharashtra Through Collector And Others

.....

Mr. M.L. Dharashive, Advocate for Petitioner

Mr. R.B. Dhaware, AGP for Respondents No.1 and 2

.....

CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 13 NOVEMBER, 2025

PER COURT :-

1. The present writ petition has been filed for direction to respondents to accept the reference of the petitioners' land which is acquired for the purpose of percolation Tank No.2 situated in village Jayphal, Taluka Ausa, District Latur under Section 28-A of the Land Acquisition Act.

2. Heard the learned advocate for the petitioner and the learned AGP for respondents No.1 and 2. No necessity to issue notice to respondent No.3.

3. The petitioner contends that he was the owner of Survey No. 30 to the extent of 2 acres 7 gunthas, Survey No. 31/B to the extent of 5 acres, and Survey No. 32/K to the extent of 5 acres 39 gunthas, situated

{2}

at village Jayphal, Taluka Ausa, District Latur. Out of Survey numbers mentioned above, the land came to be acquired by the respondents for the construction of percolation Tank No.2 to the extent of 24 R., 62 R., and 1 H. 15 R. respectively. It has been submitted that the award came to be passed on 01.01.1997 and the amount was fixed, which according to the petitioner was not adequate. He had not filed application under Section 18/28-A of the Land Acquisition Act earlier due to financial difficulties. However, the similarly situated person whose land came to be acquired under the same award had filed L.A.R. No.73 of 1993, which came to be decided by the Reference Court i.e. 22nd Jt. Civil Judge, Senior Division, Latur on 26.08.2008 and then, the compensation came to be enhanced. Thereafter, the petitioner had decided to file an application for enhancement in the compensation under Section 28-A of the Land Acquisition Act. However, the same was not accepted on the ground of delay i.e. the petition was not physically taken, and therefore, according to the petitioner, he had sent the petition through post. Since there was no communication in respect of the same, the present petition has been filed.

4. It appears that notice under Section 80 of the Civil Procedure Code came to be issued on behalf the present petitioner through advocate on 12.06.2023, it was then replied by respondent No.3 on

{3}

16.06.2023, wherein it was stated that the petition should be filed with the Special Land Acquisition Officer, Ausa.

5. We are not coming to the factual situation. It appears that some petition was tried to be submitted in the month of November 2022 through the same advocate by the present petition before the Collector, Latur. Now, if at all right is available to the petitioner that he will have to file such application with respondent No.2, and therefore, we dispose of the writ petition by giving liberty to the petitioner to file such application before respondent No.2, within a period of four weeks from today. If such an application is tendered, then respondent No.2 to decide it on its own merits.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

S P Rane