



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

WRIT PETITION NO. 7157 OF 2025

1. Rambhau S/o. Manikrao Bhujbal,
Age: 65 years, Occu. Agril,
R/o. Bhosa, Tal. & Dist. Latur.
2. Dnynoba Manikrao Bhujbal,
Died through Legal Representative
- 2-1. Kalawantibai Manikrao Bhujbal,
Died through Legal Representative.
- 2-2. Ratan W/o. Mahadeo Bhole,
Age: 60 years, Occu. Household,
R/o. Bhosa, Tal. & Dist. Latur.

..Petitioners
(Original Applicants)

Versus

1. The State of Maharashtra,
Through Collector,
Collector Office, Latur, Dist. Latur.
2. The Sub Divisional Officer &
Land Acquisition Officer,
Latur, Dist. Latur.

..Respondents
(Original Respondents)

...

Mr. Prasanna Shankarrao Chavan, Advocate for the Petitioners.
Mr. D. R. Korade, AGP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 18th JUNE, 2025.**

ORAL JUDGMENT:-

1. Rule. Rule made returnable forthwith. With consent of the parties, matter is taken up for final hearing at admission stage.
2. The present Writ Petition takes exception to order dated 10.02.2025 passed by Sub Divisional Officer and Land Acquisition

Officer, Latur in File No.1987/Bhusampada/CR-69, by which application filed by petitioners under Section 28-A of Land Acquisition Act, 1894 came to be rejected for non-removal of office objection.

3. Mr. Chavan, learned Advocate appearing for petitioners invites attention of this Court to office objections, which are noted in paragraph no.3 of impugned order. He points out that there were minor objections. The main objection was that certified copy of award of Reference Court is not filed and necessary stamp was not affixed. According to him, all such objections were never communicated to petitioners, therefore, they could not remove the same. Mr. Chavan submits that substantial right of petitioners to receive enhanced compensation in terms of Section 28-A was subject matter of Reference, therefore, rejection on technical ground cannot be approved.

4. The learned AGP, however, submits that it was duty of petitioners to attend proceeding and remove office objections. Non-removal of office objections is good ground for dismissal of application and no fault can be found in order of Sub Divisional Officer and Land Acquisition Officer, Latur.

5. Having considered submissions advanced, it can be observed that petitioners filed application under Section 28-A of Land

Acquisition Act seeking enhanced compensation relying upon decision in Land Acquisition Reference dated 14.12.2001 in respect of land holders from same acquisition. The remedy under Section 28-A is provided under Land Acquisition Act to achieve parity of compensation to all land holders, who suffered compulsory land acquisition under common award. The impugned order shows that Reference was filed well within time. However, there were minor office objections. There is nothing to indicate that aforesaid office objections were communicated to petitioners or noted by their Advocates. In this background, interest of justice would serve, if impugned order is quashed and set aside with liberty in favour of petitioners to remove office objections within period of eight weeks from date of this order. Once office objections are removed, Competent Authority shall proceed to decide Reference in accordance with law. However, in case of failure of petitioners to remove office objections within stipulated period, impugned order dated 10.02.2025 shall govern the proceeding.

6. In view of aforesaid directions, Writ Petition is allowed in terms of prayer Clause (B).

7. Rule is made absolute in above terms.

(S. G. CHAPALGAONKAR)
JUDGE