



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 WRIT PETITION NO. 8910 OF 2022

PARASRAM VENKOBA MANE

VERSUS

STATE OF MAHARASHTRA THROUGH COLLECTOR AND
OTHERS

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Advocate for the Petitioner : Mr. Kurundkar Sunil V.

AGP for Respondent/s-State : Mr. D. R. Korade.

Advocate for Respondent Nos.3 to 6 : Mr. Choudhari S. B.

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CORAM : S. G. MEHARE, AND
SHAILESH P. BRAHME, JJ.

DATE : 08.01.2025

PER COURT :-

1. Heard the respective learned counsels.
2. The land in question was acquired and the award was passed in the name of Sitaram, who was the brother of petitioner. Respondent Nos.3 to 6 are the legal heirs of Sitaram. The petitioner has raised the objection before the Land Acquisition Officer that he is the exclusive owner of the land acquired. However, Sitaram by playing fraud had mutated the acquired land in his name. The petitioner had impugned the said mutation by way of an appeal. His appeal was

allowed. The second appeal filed against that judgment by respondent Nos.3 to 6 has also been dismissed. They again have preferred the revision before the State Government. It is still pending.

3. A small question is “Can 7/12 extract entry would solve the dispute between the parties”?

4. The revenue entries are for the fiscal purpose and those are not the proof of title. So far as the dispute about the apportionment of the compensation is concerned, the Land Acquisition Act provides for referring the issue to the Principal Court of original jurisdiction before the Land Acquisition Officer. The petitioner has prayed for direction against the Land Acquisition Officer to refer the dispute to the Principal Court of civil jurisdiction for adjudicating the rights, share and interest in the acquired land. Since the law is settled, it would be appropriate to allow the writ petition partly directing respondent No.2 to refer the dispute to the Principal Court of original jurisdiction for adjudication at the earliest. Hence, we pass the following order :

ORDER

- (i) Writ petition is partly allowed.
- (ii) Impugned order passed by respondent No.2 dated 29.06.2022 is quashed and set aside.
- (iii) Respondent No.2 is directed to refer the dispute to the Principal Court of original jurisdiction at the earliest for adjudication.
- (iv) Respondent No.2 should also transmit the compensation amount to the Civil Court.

(SHAILESH P BRAHME, J.)

(S. G. MEHARE, J.)

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vmk/-