



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

**WRIT PETITION NO.12932 OF 2025**

- 1) Bhagwan S/o Rajaram Biradar,  
Age-70 years, Occu:Agriculture,
  - 2) Venkat S/o Dhondiba Gurnale  
(Died His Lrs.)  
  
Sanjabai W/o Venkatrao Gurnale,  
Age-55 years, Occu:Agriculture,
  - 3) Balaji S/o Prabhurao Biradar,  
Age-55 years, Occu:Agriculture,
  - 4) Govind S/o :Prabhurao Biradar,  
Age-50 years, Occu:Agriculture,
  - 5) Dattatraya S/o Prabhurao Biradar,  
Age-45 years, Occu:Agriculture,
  - 6) Bhaurao S/o Rajaram Biradar,  
Age-70 years, Occu:Agriculture,
- All R/o-Hanchnal, Taluka-Deoni,  
District-Latur.

**VERSUS**

**...PETITIONERS**

- 1) The State of Maharashtra,  
Through The Collector, Latur,  
District-Latur,
- 2) The Sub Divisional Officer and  
Special Land Acquisition Officer,  
Nilanga.

**...RESPONDENTS**

...  
Mr. Shrikant J. Sonkawade Advocate for Petitioner (Online).  
Mr. R.B. Dhaware, A.G.P. for Respondent Nos. 1 and 2.  
...

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

**DATE : 3<sup>rd</sup> NOVEMBER, 2025**

**ORDER [PER SMT. VIBHA KANKANWADI, J.] :**

1. Present Petition has been filed for following reliefs:-

“(B) By a writ of mandamus or any other appropriate writ, an order dated 20/01/2021 & 11/02/2021 of Special Land Acquisition Officer and Sub Divisional Officer, Nilanga may kindly be set aside and references of the petitioners may be restored.

(C) That the Sub Divisional Officer and Land Acquisition Officer, Nilanga i.e. respondent No.2 authority, may kindly be directed to send the references of the petitioners in the District Court, Latur for hearing and disposal according to the Law.”

2. Learned AGP waives notice for respondent Nos.1 and 2.

3. Heard both sides.

4. The petitioners appears to have submitted References

before respondent No.2 in 2005 and 2006. In fact the respondent had initiated the land acquisition proceedings in respect of the portion of the land of the petitioners vide Notification in File No.1995/LNQ/CR-29 and respondent No.1 had declared an award on 18<sup>th</sup> April 2001. The compensation was fixed at the rate of Rs.50,700/- per Hectare. Thereafter, respondent No.2 had issued notices to the petitioners under Section 12(2) of the Land Acquisition Act for withdrawal of the award amount and that is how the petitioners say that they got the knowledge about passing of the award, on 30<sup>th</sup> November 2004. The amount has been withdrawn by them under protest and thereafter the References were filed under Section 18 of the Land Acquisition Act, on 18<sup>th</sup> January 2005, 3<sup>rd</sup> January 2005 and 6<sup>th</sup> June 2006, through the Advocate. It is then stated that those References were pending with the office of Sub-Divisional Officer, Nilanga since 2005 to 2021. The Advocate was informing them about the pendency. However, in February 2025 they came to know that all the References were rejected by the Sub-Divisional Officer, Nilanga on 20<sup>th</sup> January 2021 and 11<sup>th</sup> February 2021. According to the learned Advocate for the petitioners, the Sub-Divisional Officer/Special Land Acquisition Officer, Nilanga had no

authority to reject the References and the reasons for rejection are illegal.

5. Learned AGP submits that the impugned orders appears to have been passed on 20<sup>th</sup> January 2021 and 11<sup>th</sup> February 2021 and therefore, now there is delay in filing the present Petition.

6. The impugned communications dated 20<sup>th</sup> January 2021 and 11<sup>th</sup> February 2021 shows that there is reference regarding the Reference Petitions dated 18<sup>th</sup> January 2005 and then also regarding the letters dated 25<sup>th</sup> May 2009 and 3<sup>rd</sup> September 2016 whereby it appears that certain documents were called by the office of the Special Land Acquisition Officer. Though it appears that the copy of the said letters was also given to the Advocate of the petitioners, as per the contention of the petitioners, they could not get the same. Even for the sake of arguments it is accepted that those letters would have been received by the petitioners and now they are interested in saying that they have not received the same, yet the fact remains is that, whether the reason for rejection of References given by respondent No.2 is legal. If it is illegal, then there is no question of limitation.

7. When Reference Petition is filed by a dissatisfied claimant whose land has been acquired, under Section 18 of the Land Acquisition Act, for enhancement, then at the most it can be scrutinized by the Special Land Acquisition Officer on the point of limitation and not otherwise. From the impugned communications, it does not appear that respondent No.2 was intending to reject the References or forwarding of References on the point of limitation. The ground for rejection is that certain documents which were called, were not supplied. The documents which were allegedly called, were payment of Court fees, evidence regarding Reference, copy of the award and affidavit on stamp paper of Rs.100/- stating that any previous Reference under Section 18 of the Land Acquisition Act was not filed or Reference Petition under Section 28-A of the Land Acquisition Act was not filed. According to us, respondent No.2 cannot ask for these documents. At one point of time i.e. in the reference column, the Special Land Acquisition Officer mentions even the date of Reference Petition as 18<sup>th</sup> January 2005 and still in the body of communication it is stated that the evidence regarding filing of such Reference Petition was not given. What has been filed before us, is the certified copy of the Reference from the

same office. That means, already there was evidence and the original Reference Petitions were with respondent No.2 himself. There is no necessity to take such affidavit. Only statement in the Reference Petition would have been sufficient for that purpose and then it would also be the subject matter of the Reference Court to see the things. For Court Fees also, that would have been considered by the Reference Court. Therefore, whatever reasons have been assigned by respondent No.2 for rejection of the References or for not forwarding the References, are illegal and therefore, those impugned communications deserve to be set aside.

8. The Writ Petition stands allowed in terms of prayer clauses "(B)" and "(C)". Respondent No.2 should forward the References of the petitioners to District Court, Latur by taking up the procedure, within a period of THREE WEEKS from today.

**[HITEN S. VENEGAVKAR]**  
**JUDGE**

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**