



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

994 WRIT PETITION NO. 12044 OF 2022

Aba Mahadu Parkhe Died Through Lrs Laxmibai Abaji Parkhe & Others

VERSUS

The State Of Maharashtra Through The Collector And Another

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Mr. Abhishek M. Hajare, Advocate for the Petitioner

Mr. S. J. Salgare, AGP for Respondents/State

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CORAM : R. G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

DATED : NOVEMBER 04, 2025

P.C.:

1. The land of the petitioner was acquired way back in the year 2006 by passing an award under the Land Acquisition Act, 1894 [Section 18(1)(2) of the Land Acquisition Act, 1894]. Having been not satisfied with the quantum of compensation awarded by Respondent No.2-Special Land Acquisition Officer, the petitioner made a reference to the very officer. The officer concerned was expected to forward the said reference to the Civil Court for decision.

2. The record indicates that officials of Respondent No.2 have even acknowledged the receipt of reference made by the petitioner. The statute mandate the land acquisition officer to forward the same along with the necessary documents to the Civil Court. It appears that the Land Acquisition Officer sat on the matter, therefore, the petitioner is required to approach this Court.

3. On issuance of notice, the Respondent-State has come up with a case of not having found the papers in office. Since Respondent/State did not dispute the receipt of reference and it failed to transmit the same to the Civil Court for decision thereon, the Writ Petition deserves to be allowed with a direction to the Respondent/State to reconstruct the original reference made by the petitioner. The petitioners also need to be blamed. They were indolent, the award was passed in 2008. The reference was made to the Collector within a time framed (Section 18(2) of the Act). The petitioners appeared to have not followed up the matter to see whether the Collector did transfer the reference to the Civil Court for decision. For over 14 years, the petitioner too slept over their right. In our view, therefore, the petitioner shall not be entitled for component of interest in the event their claim for enhancement of compensation is allowed by the Civil Court.

4. The petitioner shall co-operate with the authorities concerned by giving it a copy of the original reference, which is with him within a period of two weeks from today. Once the same is submitted by the petitioner, the Respondent/Authority shall forward the same to the reference Court (Civil Judge Senior Division). The reference Court shall decide the same on its own merits without taking exception thereto on the ground of limitation. This exercise shall be completed within a period of six weeks from today.

The petitioners shall not be paid interest from the date of reference made to the Collector to the date of filing of this Petition i.e. 14.11.2022, on the amount of compensation, if enhanced by the Civil Court. The petitioner shall specifically submit the same to the Civil Court and the Collector as well. Also at the time of passing of the award, if any, in a reference to be decided by the Civil Court, the petitioners will bring to the notice of the Civil Court this order.

5. With these observations, the Writ Petitions stands disposed of.

[ABASAHEB D. SHINDE, J.]

[R. G. AVACHAT, J.]