

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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WRIT PETITION NO.2871 OF 2025

Kisan Bhausahab Shinde & Ors. .. Petitioners
Versus
The Collector, Pune District, Pune & Ors. .. Respondents

Mr. S. A. Sawant a/w Mr. Abhishek Matkar and Mr. Malhar Baseshwar
for the petitioners.

Mr. Aditya R. Deolekar, AGP for respondent nos.1 to 3.

Mr. Pradip Kadam for respondent no.4.

Mr. Rushikesh S. Aradwad i/by Mr. Vijay Killedar for respondent no.5.

**CORAM : M. S. Sonak &
Jitendra Jain, JJ.**

DATE : 6 March 2025

PC. (M.S. Sonak, J.):-

1. Heard learned counsel for the parties.
2. Rule. The rule is made returnable immediately at the request and with the consent of the learned counsel for the parties.
3. Mr. Deolekar, AGP, appears for respondents nos.1 to 3; Mr. Kadam, learned counsel, appears for respondent no.4; and Mr. Aradwad, learned counsel, appears for respondent no.5.
4. By invoking the provisions of the Maharashtra Highways Act, 1955, property measuring 95.36 R out of Gat No.48/1 to 48/4 village Wadebolhai, Taluka Haveli, District Pune, was acquired for the purpose of the Pune Ring road.
5. The petitioners raised a compensation claim. Similar claims were also raised by respondent nos.4 & 5. By impugned orders/communications dated 28 February 2024 and 16 February 2024, the compensation was directed to be paid to respondent No. 5.

6. However, before this amount could be paid, the petitioners instituted the present petition and obtained interim relief dated 7 March 2024. As a result, the amount was not disbursed to respondent no.5.

7. Mr. Deolekar, learned AGP stated the land acquisition officer intends to transfer the compensation amount to the Principal Civil Court of Original Jurisdiction within the limits of the acquired land's jurisdiction. He states that he has yet to obtain clear instructions on whether the land acquisition officer proposes to refer to the Court in terms of Section 19C (4) of the Maharashtra Highways Act, 1956 ('the said Act').

8. Considering the law laid down by the Hon'ble Supreme Court in *Vinodkumar & Ors vs. District Magistrate MOU & Ors.*¹ and this Court in *Sojar @ Rukminibai w/o Hari Mule Vs. Krishnath @ Krishna s/o Gopal Tate & Ors.*², we are satisfied that upon a dispute being raised by the petitioners concerning the apportionment of compensation, the land acquisition officer should have referred such dispute to the decision of the Court in terms of Section 19C(4) of the said Act. The dispute, in this case is not frivolous or imaginary. It is substantial. The LAO cannot decide such disputes.

9. Therefore, by following *Vinodkumar & Ors. (supra)* and following the reasoning in *Sojar Mule (supra)*, we allow this petition, set aside directions for disbursement of compensation favouring 5th respondent vide orders/communications dated 28 February 2024 and 16 February 2024 and direct the land acquisition officer (respondent no.2) to refer this dispute to the Principal Civil Court of Original Jurisdiction, Pune within 4 weeks from the date of uploading of this order, in the event, the land acquisition officer has not already made such a reference. The

1 2023 SCC Online SC 787

2 Writ Petition No.2679 of 2024 decided on 13th February 2025

compensation amount must also be forwarded to the reference Court within 4 weeks, if the same is not already forwarded.

10. Upon receipt of such amount, the Court must ensure that the same is invested in a Nationalized Bank so that the same will bear interest.

11. Upon receipt of the reference, the Court must endeavour to dispose of the same as expeditiously as possible, considering the law laid down by the Hon'ble Supreme Court in the case of *Kolkata Municipal Corporation & Anr. Vs. Bimal Kumar Shah & Ors.*³. In this decision, the Hon'ble Supreme Court has held that the persons who lose their lands to compulsory acquisition are entitled to an efficient and expeditious process and final conclusion of the proceedings resulting in the payment of compensation to the persons to whom the same is found due. Accordingly, we are issuing these directions for expeditious disposal.

12. The Principal Civil Court of Original Jurisdiction at Pune must afford full opportunity to the petitioner and respondent nos.4 &5 to put forth their versions and after that, decide on the issue of apportionment of compensation in accordance with law and the evidence that the parties would produce before the Court. We clarify that we have not examined the rival contentions of the parties on merits or entitlement. All such questions have to be determined by the Court in accordance with law and based on the evidence that the parties produced. Therefore, all such issues are expressly left open for determination by the Court.

13. The rule is made absolute in the above terms without any costs order.

14. All concerned to act on the authenticated copy of this order.

(Jitendra Jain, J.)

(M. S. Sonak, J.)