

rrpillai

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1876 OF 2025**

Dayanand Ramkrushna Gharat and Others ... Petitioners

Vs.

State of Maharashtra through ... Respondents
Secretary and Others

Mr. Kaustubh Patil for the Petitioners.

Ms. Sulbha Chipade, AGP for the Respondent-State.

CORAM : GAURI GODSE, J.

DATE : 11th JULY 2025

ORDER :

1. This petition is filed by the heirs and legal representatives of the original claimant in the Land Acquisition Reference No. 1 of 2016 filed under Section 28 of the Land Acquisition Act, 1894 ("Land Acquisition Act"). The petitioners applied for correcting name of the claimant as Chandrabai Ramkrushna Gharat. This application for correction of name is rejected by the civil court on the grounds that the civil court would not have jurisdiction to permit correction in the name.

2. Learned counsel for the petitioners points out that in

the award under Section 11 of the Land Acquisition Act in the column of the notice of ownership, the name of the original claimant is correctly written as Chandrabai Ramkrushna Gharat, however, in the last page of the award in the operative part, the name is incorrectly typed as Chandrabai Ramchandra Gharat. He submits that in view of the said inadvertent mistake in mentioning the middle name of the applicant, the application for reference under Section 28A was filed in an incorrect name. He submits that the reference application is allowed on 12th February 2019. Since the petitioners noticed the incorrect middle name, they filed Civil Miscellaneous Application No. 165 of 2022 before the reference court for correcting the middle name of the original claimant.

3. Learned counsel for the petitioners submits that identity documents of the original claimant contains the middle name as Ramkrushna. Learned counsel for the petitioners relies upon the heirship certificate with the correct name, the death certificate of the original claimant, aadhar card and pan card. All these documents are placed on record in this writ petition. Learned counsel for the petitioners therefore submits that

Civil Miscellaneous Application No. 165 of 2022 be allowed for correcting the middle name of the original claimant.

4. Learned AGP submits that as per the record indicating the correct name appropriate order may be passed.

5. I have perused the papers of the petition. Learned counsel for the petitioners is right in pointing out the correct name of the original claimant as Chandrabai Ramkrushna Gharat. All the documents annexed to the petition supports the contentions raised by the petitioners in the Civil Miscellaneous Application No. 165 of 2022.

6. Considering the inadvertent mistake in mentioning the middle name of the original claimant, this is a fit case to exercise discretionary jurisdiction under Article 227 of the Constitution of India to permit correction of the name. The petition is therefore allowed by passing the following order :

- (i) The impugned order dated 24th September 2024 passed by the Joint CJSD, Alibaug in Civil Miscellaneous Application No. 165 of 2022 in Land Acquisition Reference No. 1 of 2016 is quashed and set aside.

- (ii) Civil Miscellaneous Application No. 165 of 2022 in Land Acquisition Reference No. 1 of 2016 is allowed. The middle name of the original claimant be corrected as Chandrabai Ramkrushna Gharat.
- (iii) The title of the Land Acquisition Reference No. 1 of 2016 and the Judgment and Order dated 12th February 2019 be corrected by mentioning the name of the claimant as Chandrabai Ramkrushna Gharat.
- (iv) Writ Petition is allowed in the aforesaid terms.

[GAURI GODSE, J.]