

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2008 OF 2025

Arun Nana Gavte & Anr. ... Petitioners
V/s.
The State of Maharashtra & Ors. ... Respondents

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Mr. Sandesh Patil i/by Mr. Chintan Shah for the
petitioners.

Mrs. V.R. Raje, AGP for respondent Nos.1 & 2-State.

Mr. Saurabh Butala for respondent Nos.3 & 4.

CORAM : AMIT BORKAR, J.

DATED : MARCH 6, 2025

PC.:

1. Challenge in this writ petition is to an order passed by the Sub-Divisional Officer in his capacity as Special Land Acquisition Officer under Section 35 of the Maharashtra Industrial Development Act, 1961. The provisions of Section 35 of the Maharashtra Industrial Development Act, 1961 confer power on the officer to refer the dispute amongst owner or person claiming rights in the property which has been acquired to a Civil Court. Despite such provision requiring the officer to refer the dispute to the Court, the officer himself has adjudicated rights of the parties. The order is, therefore, without jurisdiction.

2. Hence, the impugned order is quashed and set aside.

3. However, the Special Land Acquisition Officer shall refer the dispute to the competent Civil Court within four weeks from the date of production copy of this order.
4. The Civil Court shall decide the reference in accordance with law.
5. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)