

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8579 OF 2025

Vinod Kishan Baney	Petitioner
Vs.	
State of Maharashtra	
Through Land Acquisition And	
Management Dept & Ors.	Respondents

WITH

INTERIM APPLICATION (ST) NO.22169 OF 2025

Dattatreya Balwant Padwal & Ors.	Applicant
In The Matter Between	
Dattatreya Balwant Padwal & Ors.	Petitioners
Vs.	
Vinod Kishan Baney & Ors.	Respondents

WITH

WRIT PETITION (ST) NO.22104 OF 2025

Dattatreya Balwant Padwal & Ors.	Petitioners
Vs.	
The State Of Maharashtra	
Through Land Acquisition And	
Rehabilitation & Ors.	Respondents

Mr. Abhishek Salian a/w Ms. Kinnari Raut, for the Petitioner in WP/8579/2025.

Mr. Nilesh Wabale, for the Petitioner in WPST-22104/2025 and for Applicant/Intervenor in IAST22169/2025.

Mr. P. P. Kakade, Additional Government Pleader, for the Respondent-State

Mr. Prashant Chavan, Senior Counsel a/w Mr. Meet Vora i/b Navdeep Vora & Associates, for the Respondent Nos.5 & 6.

**CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.**

RESERVED ON : 4th JULY 2025

PRONOUNCED ON : 10th JULY 2025

ORDER:- (Per Dr. Neela Gokhale, J.)

1. These are the two Petitions filed by individuals claiming title to the property, which is the subject matter of the Petitions. Both these Petitions seek identical reliefs on same facts, hence, the Petitions are being disposed of by the present common Judgment and Order.

2. The prayers in Writ Petition No.8579 of 2025 are in respect of issuance of directions to the Respondent-Authorities to issue all communications pertaining to the acquisition of the said land to the Petitioner in this Writ Petition and disburse compensation and/or other rights with respect to the acquisition of the said land in favour of this Petitioner. This Petitioner also challenges the ownership of the Petitioners in Writ Petition (St) No.22104 of 2025.

3. The Petitioners in Writ Petition (St) No.22104 of 2025 also seek directions to the Respondents to neither communicate nor

negotiate with the Respondent Nos.7 and 8 in this Petition (Respondent No.7 being Petitioner in Writ Petition No.8579 of 2025) in respect of acquisition of the said land. They also seek a direction to the Respondent No.4, i.e., the Land Acquisition Officer under the Maharashtra Industrial Development Corporation Act, 1961 ('MIDC Act') to refer the dispute of apportionment to the District Court as per the provisions of Section 35 of the MIDC Act.

4. Heard counsels appearing for all the parties and perused the record with their assistance.

5. All the counsels on instructions agree that pursuant to the decision of the Supreme Court in the case of *Vinodkumar & Ors. v. District Magistrate, Mau & Ors*¹, it is settled law that when it comes to resolving dispute relating to apportionment of amount determined towards compensation, it is only the Principal Civil Court of Original Jurisdiction, which can do so. The Supreme Court held that if any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, then, the Competent Authority shall refer the dispute to the

¹ (2023) 19 SCC 126

decision of the Principal Civil Court of Original Jurisdiction within the limits of whose jurisdiction the land is situated.

6. Furthermore, Section 35 of the MIDC Act also provides for reference of disputes relating to the amount of compensation and its apportionment by the Collector for decision by the Civil Court. This being the admitted and settled position of law, both the parties consent to a reference of the dispute to the Principal Civil Court of Original Jurisdiction.

7. We thus, direct that the State of Maharashtra through the District Collector, Pune to refer the said dispute between the parties to the Competent Authority under the provisions of Sections 35/36 of the MIDC Act. The Competent Authority is requested to adjudicate the reference expeditiously.

8. In view of the aforesaid, the Petitions are disposed off.

9. In view of disposal of the Writ Petitions, nothing survives in the Interim Application therein and the same is also disposed of.

10. We make it clear that we have not gone into the merits of

the dispute and as such, keep all contentions of all the parties on merits open.

11. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
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