

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13372 OF 2025

Shantaram Dharma Bhoir
Versus
State Of Maharashtra And Ors

...Petitioner
...Respondents

Mr. Datta Mane along with Mr. Bhalchandra Patil and Ms. Manisha Gawad,
Advocate for Petitioner.
Ms. Savita A. Prabhune, AGP for Respondent Nos. 1 and 2– State.
Advocate -Annette D'Sa i/b. Mr. George Dabre, for Respondent Nos. 3 to 25.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 16th October 2025

P.C.

1. We have heard learned counsel for the petitioner, learned Additional GP appearing for respondent Nos.1 and 2 and learned counsel for respondent Nos.3 to 25.
2. Reply Affidavit filed on behalf of respondent Nos.3 to 25 of Shri Dinesh Gajanan Bhoir, respondent No.4.1 is placed on record.
3. This petition under Article 226 of the Constitution of India is filed praying for following substantive reliefs :

- a) That this Hon'ble Court be pleased to issue rule in the matter and admit the Writ Petition;
- b) That this Hon'ble Court be pleased to call for the record and proceedings of Acquisition proceedings in respect of Gat No. 367 with sub divisions, situated at Village Shirgaon, Taluka-Vasai, Dist- Palghar and after perusing the same, this Hon'ble Court be pleased to direct the

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Respondent No.1 and 2, not to disburse the compensation amounts to the Respondent No. 3 to 25 in the interest of justice;

c) That this Hon'ble Court be pleased to direct the Respondent No.1 and 2 to refer the dispute to the Court of Ld. Civil Judge Senior Division, Vasai, Dist- Palghar and deposit the entire compensation amount with the Court, in the interest of justice;

d) This Hon'ble Court be pleased to direct the Respondent no.2 to decide the representation and/or communication of the Petitioner dated 06/08/2025 within the period of four weeks;

e) Pending the hearing and final disposal of the present Writ Petition, this Hon'ble Court be pleased to direct the Respondent No.1 and 2, not to disburse the compensation amounts to the Respondent No. 3 to 25 in the interest of justice;

4. At the outset, we may observe that the dispute between the petitioner and respondent Nos.3 to 25 is in regard to the acquisition of land by the Indian Railway for the purposes of Western dedicated freight corridor under the provisions of the Railways Act 1989.

5. Learned counsel for respondent Nos.3 to 25 by referring to the reply affidavit has submitted that as there is a dispute in regard to the apportionment of compensation, the provisions of Section 20-H of the Railways Act 1989 would be now required to be followed i.e. reference of the dispute for apportionment to the Civil Court. Sub-Section (4) of Section 20-H read thus :

“(4) 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, the competent authority shall refer the dispute to the decision of the principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.”

6. The acquiring body i.e. Indian Railways has already deposited the amounts/compensation with respondent No.2, which also in our opinion would be required to be transferred to the Civil Court so that the amount can be kept in Fixed Deposit and earn interest. As there is consensus that the dispute needs to be resolved, we are inclined to dispose of this petition in terms of following order :

ORDER

- (i) Respondent No.2 shall make a reference of the dispute and apportionment as per the provisions of Section 20-H(4) of the Railways Act, 1989 to the Court of Civil Judge Senior Division, Vasai, within a period of three weeks from today.
- (ii) The amount of compensation payable to the parties under the land acquisition award be also remitted to the Civil Court, which be invested by the learned Civil Judge Senior Division in a Fixed Deposit in a nationalised bank, so that the same is available along with the accrued interest to be disbursed in appropriate proportion to the claimants who would be declared to be eligible to receive the compensation amount.
- (iii) Learned Civil Judge, Senior Division, shall adjudicate the reference as expeditiously as possible and in any event, within a period of one year from today.
- (iv) All contentions of the parties on reference are expressly kept open.

7. The petition shall stand disposed of in the aforesaid terms. No Costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)