



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15654 OF 2025

Tarabai Raghunath Fulsundar

... Petitioner

Versus

The Collector, Nashik & Ors.

... Respondent

Ms. Rukhmini Khairnar i/b. Mr. Pramod N. Joshi for the petitioner.

Ms. M.P. Thakur, AGP for the State/respondent nos. 1, 2, 8 & 9.

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

DATE: 5 December 2025

P.C.

1. This petition is filed praying for limited reliefs, which reads thus:

“a) Issue appropriate Writ/Order for quashing and setting aside and declaring the actions of respondent nos. 1 to 3 in not protecting the right of the petitioner, in respect of her share in the amount of compensation, in the award dated 24.09.2009 as well as subsequent award dated 29.02.2024 by not protecting her right of compensation, to be arbitrary and declared as illegal, contrary and in breach of their statutory duties, as provided under the provisions of the said Act.

b) Issue an appropriate Writ/Order, for quashing and setting aside the order dated 08.08.2025 as passed by respondent no. 2 to be illegal and against the provisions of law;

c) Issue an appropriate Writ/order, directing respondent no. 2 or to make reference under “Section 30” of the said Act on the basis of her representation at Exhibit ‘G’ to the Civil Court as per the provisions of Section 30 of the said Act and direct the same to be decided immediately.”

2. It appears that the land in question was subject matter of acquisition by respondent nos. 1 to 3 for the benefit of respondent no. 3 – Nashik Municipal

Corporation. Respondent no. 2 is the Deputy Collector (Acquisition), who is the Special Land Acquisition Officer. It is not in dispute that the original award was declared on 24 September, 2009. The original award amount was deposited and the same is stated to have been withdrawn by respondent nos. 4 to 7, who are other family members of the petitioner. There is a dispute *inter se* between the petitioner and respondent nos. 4 to 7, which is the subject matter of pending Civil Suit No. 493 of 2007 and is now subject to Civil Appeal No. 10 of 2022.

3. Be that as it may, it appears that subsequent to the original award, proceedings were initiated seeking enhancement of compensation under Section 18 of the Land Acquisition Act, which culminated into an award dated 29 February, 2024 by which the compensation was enhanced to Rs. 8996/- per sq. mtrs. The enhanced amount is yet to be deposited with the Special Land Acquisition Officer by the acquiring body. In these circumstances, the petitioner filed an application under Section 30 of the Land Acquisition Act, 1894 (for short “**L.A. Act**”) before the Collector, Nashik claiming apportionment of the enhanced amount, so that a reference in that regard could be made to the Civil Court under Section 30 for apportionment of the amounts subject matter of the award dated 29 February, 2024. It is the petitioner’s case that such application has not been referred to the Civil Court for adjudication.

4. We have heard Ms. Khairnar for petitioner and Ms. Thakur, learned Additional Government Pleader and also perused the record. Considering the limited grievances as made by the petitioner, we are of the opinion that in the facts

and circumstances of the case reference application made by the petitioner under Section 30 is required to be referred to the Civil Court especially since the dispute *inter se* concerning partition is already pending adjudication in the Civil Suit and Civil Appeal as set out hereinabove.

5. We may also observe that although there are private respondents, however, considering the nature of the aforesaid order we intend to pass, we are of the opinion that no prejudice whatsoever would be caused, as the private respondents will be at liberty to raise their contentions before the Reference Court including on the maintainability of the reference.

6. Accordingly, we are inclined to dispose of this petition by directing the Deputy Collector to refer the matter for adjudication, which has been denied by the Deputy Collector by the impugned communication merely on the ground that the original award was dated 24 September, 2009 and the award amount had already been disbursed. However, the impugned communication fails to consider the subsequent adjudication on the enhancement granted by allowing the application under Section 18 of the L.A. Act.

7. In light of the above, we are inclined to set aside the impugned communication dated 8 August, 2025, as it does not take into consideration subsequent award dated 29 February, 2024 granting enhancement. It cannot be said that such a jurisdictional issue would fall for consideration of the Deputy Collector, as held by in the impugned communication, as any adjudication on such

issue needs to be referred to the Civil Court in accordance with the clear provisions of Section 30 of L.A. Act regarding apportionment.

8. The additional award, in the present circumstances, as set out hereinabove, would be required to be referred for appropriate adjudication by the Collector/Deputy Collector under Section 30 of the L.A. Act.

9. The petition is accordingly disposed of, directing that the petitioner's application dated 2 May, 2025 (Exhibit F Page 78) be referred by the Collector/Deputy Collector to the Competent Civil Court for adjudication, as mandated by Section 30 of the L.A. Act. This be done within three weeks from today. All contentions of the parties on the proposed proceedings are expressly kept open.

10. We further direct that till the reference is made, the amount under the award dated 24 September, 2009 shall not be disbursed and the parties would be free to make an appropriate application before the Civil Court for withdrawal of the said amount.

11. Needless to further observe that all contentions of the parties in regard to the pending proceedings of the Civil Suit and Civil Appeal are expressly kept open.

12. Disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)