



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2294 OF 2020

Prakash s/o Rajkishore Tiwari,
 aged about : 54 years,
 Occupation : Business & Agriculturist
 R/o Tiwari Chowk, Yavatmal,
 Tahsil and District : Yavatmal

} .. **Petitioner**

Versus

1. The Sub-Divisional Officer and Land Acquisition Officer, Administrative Building, Second Floor, Collector Office Compound, Civil Lines, Yavatmal
2. Pradeep Gurudasmal Lakhani,
 Aged 55 years, R/o.37 Shivaji Nagar,
 Godadiwala Dham, Yavatmal,
 Tq. & Dist : Yavatmal - 445002

} .. **Respondents**

 Mr. A.C.Dharmadhikari, Advocate for petitioner.

Mr. A.G.Mate, AGP for respondent No.1.

Mr. A.A.Naik, Senior Advocate a/b Mr. Rohan Deo, Advocate for respondent No.2.

CORAM : SIDDHESHWAR S. THOMBARE, J.

DATED : NOVEMBER 26, 2025

ORAL JUDGMENT

(1) Heard. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel appearing for the parties at the stage of admission.

(2) By this petition, the petitioner challenges the order dated 24/07/2020 passed by the Sub-Divisional Officer (SDO) in Proceeding No.24/47/2016-17, whereby the objections raised by the petitioner came to be rejected.

(3) Learned counsel for the petitioner submits that the petitioner is the owner of Gat No.6 Mouza Godhani District Yavatmal which was acquired for the National Highway No.361 i.e. Nagpur-Bori-Tuljapur. As petitioner was having share in entire Gat No.6, therefore, he raised an objections, but learned SDO without recording any finding rejected the objections. Hence he prayed to remand the matter to the SDO to decide it afresh.

(4) Per contra, learned Senior Counsel Mr.A.A.Naik I/b learned counsel Mr.Rohan Deo for the respondent No.2 strongly opposed such prayer. He submits that the petitioner was not having any share in the property. In fact his land was never acquired and even in the proceeding for acquisition was in respect of the property from Gat No.6/1/B, learned trial Court has recorded finding that the petitioner has failed to prove his ownership or any right over the property in Gat No.6/1/A.

(5) He further submits that respondent No.2 is the owner of the property Gat No.6/1/B and he purchased the same vide registered

Sale Deed No.799/2002. He further submits that on the basis of registered Sale Deed, he is in possession of the acquired property and entire revenue record also clearly depicts his name. Only to deprive the respondent No.2 from getting the compensation, to create hurdle and to delay the proceeding, such application was filed by the petitioner. Therefore, he submits that the petitioner is not having any right or share in the property and learned SDO has rightly rejected the application.

(6) I have gone through the documents and the record placed along with the present writ petition. There is no dispute about the fact that the land from Gat No.6/1/B was acquired by the LAO. The respondent No.2 who is the owner pursuant to the registered Sale Deed No.799/2002.

(7) Further the objections by the petitioner were also vague and it only pointed out that he was having share in Gat No.6/1/A. Learned SDO ought to have rejected the objection pointing out that the petitioner was not having any share and petitioner's land was not acquired, but to that effect no findings were recorded by the learned SDO. In fact, SDO was not supposed to decide the title of the property, but he can very well decide whether the property of the petitioner or of the respondent No.2 was acquired. If such issue is to be decided it does not mean the SDO is deciding the rights of the parties.

(8) If the land was acquired by the LAO and a person is the owner of the property pursuant to the Registered Sale Deed, then he is entitled to receive the compensation.

(9) Only because certain objections were raised without there being foundation to that effect, the SDO is right in rejecting the said application, but to that effect he has to record findings that the petitioner who filed the objection was not concerned with the property which was acquired, but SDO has not recorded such finding and therefore, in my opinion, the order passed by the SDO is liable to be quashed and set aside only on that ground. Hence, I proceed to pass following order :-

ORDER

1. The Writ Petition is partly allowed.
2. The order dated 24/07/2020 passed by the SDO is hereby quashed and set aside.
3. The matter is remanded back to the SDO to decide whether the petitioner is concerned with the property or not within a period of two months from today.
4. No order as to costs.

Rule accordingly.

(SIDDHESHWAR S. THOMBRE)