



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

Writ Petition No.3713 of 2022

Dnyandeo Jagdeo Pise (Since Dead), through his Legal Heir
vs.

State of Maharashtra, through its Secretary, Revenue & Forest Department,
Mumbai and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. Ram Karode, Advocate for the Petitioner.
Mr. Shyam Bissa, A.G.P. for Respondent Nos.1 to 3.
Mr. Nilesh Borkar, Advocate for Respondent Nos.4(a) to 4(c).
Mr. S.K. Thengri, Advocate for Respondent Nos.5 and 6.

CORAM: ROHIT W. JOSHI, J.

DATE : 16th SEPTEMBER, 2025.

Heard.

02. The house property bearing House No.134, admeasuring 150 sq.mtrs. (*hereinafter referred to as 'suit property'*), was acquired under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (*hereinafter referred to as "LA Act" for brevity*), in which award came to be passed on 05/11/2020.

03. It is the case of the petitioner that the suit property was allotted to his father pursuant to order dated 31/05/1985 passed in a proceeding bearing No.LNA-22/Manegaon/116/1983-84. As per the award passed by the Land Acquisition Officer, the compensation was payable to respondent No.4. The petitioner raised an objection before respondent No.2-Land Acquisition Officer as contemplated under Section 64(1) of the LA Act. The objection came to be rejected by respondent No.3-Land Acquisition Officer vide order dated 26/03/2021. The Land Acquisition Officer has observed that the house

property was recorded in the name of respondent No.4 in the record of Gram Panchayat and that the documents revealed that respondent No.4 has made payments of Gram Panchayat Tax, Electricity Bills etc. with respect to the suit property. In view of the above observations, the Land Acquisition Officer has rejected the objection raised by the petitioner.

04. The learned Advocate for the petitioner has placed reliance on Sections 64(1), 65(1)(b) and 77(2) of the LA Act to contend that the order impugned is passed without jurisdiction and that in view of the statutory mandate, it was obligatory on the part of the Land Acquisition Officer to deposit the amount with the authority and the objection could be decided only by the said authority in view of the mandate of Section 64(1) of the Act.

05. The learned Advocate for respondent No.4 justifies the order and contends that respondent No.4 alone is entitled to receive compensation. The learned Advocate contends that the family of respondent No.4 should be considered as affected family in view of definition of the said term under Section 3(c) of the Act.

06. Perusal of Section 64(1) of the LA Act will demonstrate that the jurisdiction to decide objection with respect to entitlement to receive compensation or apportionment thereof is vested with the Authority. The Collector is only required to make a reference to the Authority for deciding the said dispute. This is further fortified by Section 65(1)(b) of the LA Act, which states that while making reference to the Authority, the Collector is only required to mention names of persons, who according to him, are interested in the acquired land and, therefore, are entitled to receive compensation. Perusal of Section 77(2) of the LA Act further indicates that in case there is any dispute as regards title to receive compensation or with respect to

apportionment of compensation, the Collector is required to deposit the amount with the Authority. Thus, there cannot be any *iota* of doubt that the Collector/Land Acquisition Officer does not have jurisdiction or authority to decide the issue pertaining to entitlement of any person to receive compensation or apportionment thereof in case of a dispute. The jurisdiction is vested only with the Authority.

07. In view of the above, impugned order dated 26/03/2021 passed by respondent No.3-Sub Divisional Officer and Land Acquisition Officer, Jalgaon Jamod, District Buldhana in Case No.134/190 Manegaon House No.134 is quashed and set aside. Respondent Nos.3-Land Acquisition Officer is directed to refer the dispute pertaining to apportionment of compensation between the petitioner and respondent No.4 before the Land Acquisition, Rehabilitation and Resettlement Authority. Respondent No.4 is directed to deposit the amount of compensation without interest with Land Acquisition Officer before 31st December, 2025.

08. The writ petition is disposed of in the above terms with no order as to costs.

JUDGE

**sandesh*