



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

WRIT PETITION NO.8377 OF 2023

[Dnyaneshwar S/o Laxmanrao Amzhare ..vs.. State of Maharashtra and Ors.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr R. U. Tambe, Advocate for Petitioner.
Mr S. B. Bissa, AGP for Respondent/State.
Mr A. P. Deshmukh, Advocate for Respondent No.2.

CORAM : ANIL L. PANSARE, J.

DATE : 27th JANUARY, 2025.

1. Heard.

2. A dispute arose between the parties as regards apportionment of amount, and therefore, a reference was made to the Authority constituted under Section 51 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, "the Act of 2013").

3. The land under question, bearing Gat No.66 admeasuring 0.95 HR is situated at Mouza Borgaon Talani, Tahsil Achalpur, District Amravati and was acquired for minor irrigation project. The award was passed initially on 18.02.2016 and thereafter on 14.09.2020. One Shri. Sudhakar Mahadeorao Amzhare (respondent No.2 herein) raised an objection for apportionment of compensation amount. Accordingly, the matter came to be referred to the Authority for adjudication.

4. The petitioner claimed ownership over the property on two grounds. One is that in the year 1996, the property under question was given to him in oral partition. The

Authority found no evidence on this point. It noted that Shri. Laxman Amzhare, the father of petitioner, who has allegedly given property in oral partition in the year 1996, has expired in the year 2001. The Authority further noted that there is nothing on record to show that the alleged oral partition was intimated to concerned Talathi for enforcement. Thus, neither the father of petitioner nor the petitioner took steps to effect the so called oral partition. Therefore, the Authority rightly held that there is no evidence on this point.

5. The second ground on which the petitioner intends to claim ownership over the property is that the respondent Nos.2 to 8 have relinquished their rights in favour of the petitioner under relinquishment deed executed on 15.09.2008. The Authority noted that the relinquishment deed makes no reference to the oral partition of 1996, and further that the deed is inadmissible in evidence since not registered.

6. It appears that the petitioner and respondent Nos.2 to 8 are legal heirs of Laxman Amzhare, the original owner of the property under question. Laxman Amzhare had sold the property to respondent No.6 *vide* registered sale-deed dated 16.02.2000. In the year 2002, the name of respondent No.1 was mutated in revenue record. However, it was later on set aside and name of petitioner came to be mutated on 13.12.2010. The respondent No.1, thereafter, challenged the said mutation and succeeded in the year 2017.

7. Thus, what transpires is that the theory of petitioner that the original owner had orally partitioned the property in the year 1996 is without any substance. So far as the relinquishment deed is concerned, the same could not have

been taken into account for two reasons. One is that the original owner had sold the property to respondent No.6 in the year 2000 and secondly is inadmissible as not registered.

8. Be that as it may, the facts remain that the respondent No.1 was the owner of disputed property when the acquisition proceedings commenced. He has rightly objected the apportionment to any other person except himself. The Authority below having considered the relevant material has correctly dealt with the contents put forth by the petitioner and refused to entertain the claim. The order impugned, therefore, appears to my mind to be in tune with the provisions of law. No interference is called for in the impugned order dated 02.11.2023 passed in Reference Case No.1192/AMT/AMT/2021 by the Land Acquisition, Resettlement and Rehabilitation Authority, Nagpur.

9. The petition is accordingly **dismissed**.

JUDGE

TAMBE