



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

WRIT PETITION NO. 650 OF 2024

PETITIONER

: Pramila Purushottam Pachpande,
Aged about 72 years, Occu. Agriculturist,
R/o Chandurbiswa, Tah. Nandura,
Dist. Buldhana, through her power of
attorney namely Gopal s/o Purushottam
Pachpande, Aged about 46 years,
Occu. Agriculturist, R/o Chandurbiswa,
Tah. Nandura, Dist. Buldhana.

VERSUS

RESPONDENTS

: 1. Deputy Collector / Land Acquisition Officer,
(Medium Project), Buldhana

2. Shriram S/o Ananda Kharche,
Aged about 50 years, Occu. Agriculturist,
R/o Chandurbiswa, Tah. Nandura,
Dist. Buldhana.

Mr. N. B. Kalwaghe, Advocate for the petitioner.
Mrs. K. H. Bhondge, A.G.P. for respondent no.1
Mr. A. D. Girdekar, Advocate for respondent no.2

CORAM : M. W. CHANDWANI, J.
DATE : DECEMBER 04, 2025

ORAL JUDGMENT

1. **RULE.** Rule made returnable forthwith. Heard finally by
consent of the learned counsels appearing for the parties.

2. This petition challenges the order dated 27.12.2023 passed by the respondent no.1 – Deputy Collector/Land Acquisition Officer (Medium Project), Buldhana (hereinafter referred to as “the L.A.O.”) whereby the dispute raised by the petitioner as to the title of the acquired land has been rejected and the amount of award with respect to the acquired land from Gat No. 52 to the extent of 0.53 H.R., amounting to Rs. 19,74,497/- has been ordered to be paid to respondent no.2.

3. The petitioner purchased the land admeasuring 2.74 H.R. (6 acres and 34 gunthas) which was a part of Gat No. 52 admeasuring 5.70 H.R. from the father of respondent no.2 by registered Sale Deed dated 31.01.1986. Eventually, some part of Gat No. 52 i.e. 2.74 H.R. (6 Acres and 34 Gunthas) was acquired by the L.A.O.. The contention of the petitioner is that, while describing the area of the land in Hectare unit of measurement due to clerical/typing mistake, the area was mentioned as 1.74 H.R. instead of 2.74 H.R. However, the same area of land was properly described in Acre unit of measurement i.e. 6 Acres and 34 Gunthas in the same sale deed. Thereafter, the father of respondent no.2 had again sold the land admeasuring 0.85 H.R. by a registered sale deed dated 15.04.1986. It is the case of the petitioner that taking advantage of this discrepancy, some part of the award of

the land admeasuring 2.74 H.R. was awarded in the name of respondent no.2, the son of the original owner. Therefore, the petitioner raised a dispute before the L.A.O., which came to be rejected by the impugned order. Being aggrieved with the order, the petitioner is before this Court.

4. I have heard Mr. N.B.Kalwaghe, learned counsel appearing for the petitioner, Mrs. K.H. Bhondge, the learned Asst. Government Pleader for respondent no.1 and Mr. A.D. Girdekar, learned counsel for respondent no.2. Perused the record and proceedings.

5. Having gone through the impugned order and the relevant provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the Act of 2013”), more particularly Sections 76 and 77(2); I find substance in the argument of the learned counsel for the petitioner that respondent no.1 – L.A.O. has no jurisdiction to decide the objection as per Section 76 read with Section 77(2) of the Act of 2013. If any objection is raised with regard to the apportionment or title of the property which was acquired, the L.A.O. shall forward the same to the Competent

Authority constituted under the Act of 2013 i.e. Tribunal. In the present case, the L.A.O., instead of referring the said objection to the Tribunal, rejected the same and allowed disbursement of the amount of Rs.19,74,497/- in favour of respondent no.2. As such, the L.A.O. exceeded its jurisdiction by rejecting the objection of the petitioner. A useful reference can be made to the decision of this Court (Nagpur Bench) in the case of *Shrikrushna S/O Shivshankar Chambhare (Patil) and another vs. The State of Maharashtra and others*, in *Writ Petition No. 6218/2022*, decided on 13.12.2022.

6. Upon going through the decision in *Shrikrushna Shivshankar Chambhare* (supra), it appears that the case of the petitioner is covered by the said decision. The L.A.O. has no jurisdiction to decide the objection/dispute as to the title to receive the compensation or as to the apportionment of the compensation. Since, only the Competent Authority constituted under the Act of 2013 is empowered to decide the dispute/objection at hand, there is no substance in the argument of the learned counsel for respondent no.2. The impugned order passed by the L.A.O. thereby cannot be sustained. Further, since the civil suit with respect to title is already pending, the respondent no.1 - L.A.O. cannot decide and disburse the

land acquisition compensation at this stage. In view of the above, the petition succeeds and I proceed to pass the following order :

ORDER

1. The Writ Petition is allowed.
2. The impugned order dated 27.12.2023 passed by respondent no.1 – Deputy Collector/Land Acquisition Officer (Medium Project), Buldhana is quashed and set aside.
3. The matter is remanded to respondent no.1 -L.A.O. with a direction to refer the dispute/objection raised by the petitioner to the Competent Authority/Tribunal for adjudication.
4. Respondent no.2 is directed to deposit the amount of award withdrawn by him in respect of 0.53 H.R. land out of Gat No. 52, amounting to Rs.19,74,497/- within a period of three weeks from today before respondent no.1 – Deputy Collector/Land Acquisition Officer (Medium Project), Buldhana.
5. Rule is made absolute in the aforesaid terms. The writ petition is disposed of. No order as to costs.

(M.W.Chandwani, J.)

Diwale