

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6488 OF 2024

Laxman Nivrutti And Another

VERSUS

The State Of Maharashtra Through District Collector And Others

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Advocate for the Petitioners : Mr. M.V. Ghatge h/f Mr. Gadegaonkar
Bharat N.

AGP for Respondent/State : Mr. S.D. Ghayal

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : FEBRUARY 18, 2026

PER COURT :-

1. Present petition takes exception to order dated 21.05.2011 passed by Special Land Acquisition Officer, MIW, Nanded, whereby petitioner's reference filed under Section 18 of Land Acquisition Act has been rejected for non-removal of office objections.

2. Mr. Ghatge, learned advocate appearing for petitioners submits that petitioners had filed land acquisition reference under Section 18 of Land Acquisition Act since his land Gat No.157/1 and 157/2 was acquired for purpose of construction of Lendi Project Main Branch Canal. The petitioner was served with notice under Section 12(2) of Land Acquisition Act on 22.10.2008. Thereafter, reference is filed within period of limitation. However by impugned order, reference has been rejected on the ground that petitioners failed to remove office objections. Perusal of communicated dated 09.04.2010 issued by Special Land Acquisition Officer, Nanded depicts that there

were office objections like non-payment of Court fees, non-submission of spare copies, copy of award and copy of notice served under Section 12(2) of Land Acquisition Act.

3. This Court in case of ***Sambhaji Manaji Chate and Another Vs. State of Maharashtra and Another*** reported in ***2003 (2) Mh.L.J. 661*** and ***Janardhan Hanumantrao Patil @ Salunke and Others Vs. The State of Maharashtra and Others*** reported in ***2019 (1) ALL M.R. 560*** observed that Land Acquisition Officer cannot dismiss reference in case of deficiencies but he is under obligation to forward same to Principal Civil Court of Original Jurisdiction along with such deficiencies. Similar view is taken by this Court in case of ***Laxmibai Khushalrao Jadhav, Through Lrs. And Another Vs. The State of Maharashtra and Others along with connected matters in Writ Petition No.15031 of 2023*** decided on 21.01.2026. In that view of matter, order impugned cannot be sustained in law.

4. Mr. Ghayal, learned AGP takes serious objection of delay and latches in filing present petition. He would point out that impugned order is passed on 21.05.2011 whereas, present petition is filed in 2023. According to Mr. Ghayal, there is no explanation for inordinate delay.

5. The aforesaid aspect is also considered by this Court while dealing with connected matters in case of Laxmibai (supra) and right of petitioners to receive interest on compensation has been

forfeited for period from dismissal of reference till filing of writ petition. Same course can be adopted in present petition applying principles of parity.

6. In result, writ petition is allowed. The impugned order dated 21.05.2011 passed by Special Land Acquisition Officer, MIW, Nanded is quashed and set aside. The Special Land Acquisition Officer shall forward reference to Principal Civil Court of Original Jurisdiction along with deficiencies, if not removed by petitioners within a period four weeks from today, subject to condition that petitioners deposit requisite Court fees.

7. It is made clear that petitioners shall not be entitled to claim interest on enhanced compensation, if their reference is allowed for period from 21.05.2011 till date of this order.

8. Copy of this order be made part of reference to be made to Reference Court.

(S.G. CHAPALGAONKAR, J.)