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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 WRIT PETITION NO. 14097 OF 2024

Atmaram Marotirao Khandagale (Died)
By L. Rs. Usha Atmaram Khandagale And Others

VERSUS

The State of Maharashtra Through District Collector and Others

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Mr. G.N. Chincholkar, Advocate for Petitioners

Mr. R.S. Wani, AGP for Respondents-State

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CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAOKAR, JJ.

DATE : 16 MARCH, 2026

PER COURT :-

1. The present petition has been filed for following reliefs:

“B) By passing appropriate writ, order or direction it may be directed to the Respondent Nos. 1 and 2 to send their file of land reference filed on 18/02/2006 (i.e. at Exhibit-B) to the learned Court of Civil Judge, Senior Division, Mukhed, Dist. Nanded within four weeks.

C) By passing appropriate writ, order or direction it may be directed to the Respondent No.1 and 2 to reconstruct their file of land reference filed on 18.02/2006 (i.e. at Exhibit-B) if files is not found in their office and it may be send to the learned Court of Civil Judge, Senior Division, Mukhed, Dist. Nanded within twelve weeks.”

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2. The unfortunate petitioners, who had filed the reference under Section 18 of the Land Acquisition Act within time, are still struggling in view of the fact that their reference has not been forwarded by the Special Land Acquisition Officer to the Reference Court.

3. Affidavit of Mr. Vilas Vitthalrao Telang, Naib-Tahsildar, Sub-Divisional Office, Degloor, District Nanded, states that the petitioners had made a reference to the Reference Court through the Special Land Acquisition Officer B & C at Nanded on 18.02.2006. He states that the said office was closed down and the references made to the said office were transferred to the Sub-Divisional Office by a covering letter dated 21.10.2013. He further states that, in the said letter, a list was annexed and the name of the present petitioner appears at Sr. No. 77. Therefore, they are sure that the reference was made by the petitioner. He also submits that, after the petition was filed, a letter was given by the office of the Government Pleader and they had scrutinized all the files. It is stated therein that, by a covering letter dated 21.09.2007, the Reference Application was presented before the District Judge, Nanded, and on the left-hand side at the bottom of the said letter, a remark is found stating "submitted on 04.02.2010". Thus, it appears that he is not sure from his own record as to whether the Reference Application was filed or forwarded to the concerned Reference Court on 21.09.2007 or on 04.02.2010.

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4. Last time, we had given directions to check the Court's record and, therefore, a fresh affidavit of Mr. Anup Shashikant Patil, Sub-Divisional Officer, Degloor, has been produced. He states that an inquiry was made with the Civil Judge, Senior Division, Kandhar and the Civil Judge, Senior Division, Mudkhed; however, they have stated that there is no entry with them of receipt of the files.

5. There is already a huge delay in the matter and, ultimately, the petitioners are deprived of getting their reference decided. In these circumstances, it is necessary to permit reconstruction of the file by the Deputy Collector/Special Land Acquisition Officer, Degloor, and the petitioners shall cooperate for the said purpose. The copy of the petitions, i.e. Exhibit 'B', may be given, and such other documents, if the petitioners are in possession thereof, be annexed, and such reconstruction be carried out within a period of fifteen (15) days from today. Thereafter, the said reference be presented/forwarded to the appropriate Court within a period of fifteen (15) days thereafter.

6. We would like to specifically mention that the fact that the award was passed on 13.11.2005 and that the reference dated 30.01.2006 was received by the Land Acquisition Officer on 18.02.2006 shall be considered by the Reference Court as well as the Special Land Acquisition Officer.

7. We direct that a true copy of Exhibit “B”, wherein there is an endorsement regarding the receipt of the reference along with the Court fees stamp, be annexed to the reference.

8. We also direct the Reference Court that, taking into consideration the fact that the petitioners had, in fact, filed the reference in 2006 itself and that it appears that there was no fault on their part, but that the delay has occurred due to the fault on the part of the forwarding authority, the Reference Court shall give preference to this matter and ensure that it is disposed of as expeditiously as possible.

9. With the aforesaid directions, the writ petition stands disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE