



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 WRIT PETITION NO.125 OF 2026

DNYANDEO NAMDEO BADE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. K.D. Bade Patil, Advocate for petitioners

Mr. S.K. Tambe, AGP for respondent Nos.1 and 2

...

CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 22nd JANUARY, 2026

ORDER :

. Present petition is filed for quashing and setting aside the decision passed by respondent No.2 dated 10.09.2025 and for directions to respondent No.2 to make reference of petitioners' claim for compensation to the Reference Court for further decision.

2 The petitioners states that their lands came to be acquired by respondent No.2 for construction of Medium Irrigation Project viz. Belpara Medium Irrigation Project, Wadgaon (Chinchpur), Tq. Pathardi, Dist.

Ahilyanagar. The petitioners' lands were acquired for the said project and the statutory Award under Section 11 of the Land Acquisition Act was passed by the authorities on 06.03.2002. The offer under the Award was communicated to petitioners by respondent No.2 by way of notice dated 12.04.2004, which was received by petitioners on 29.04.2004. The petitioners have filed reference under the Land Acquisition Act before respondent No.2 on 09.06.2004 within the limitation period as provided under Section 18 of the Land Acquisition Act. Though the references were filed within time, the references were not forwarded by respondent No.2 to the Reference Court and after 21 years of keeping the references pending, those have been rejected by respondent No.2 by order dated 10.09.2025. The grievance of petitioners is therefore that the authority has acted arbitrarily in rejecting the references after getting the references after almost 21 years. The petitioners have not accepted the Award and, therefore, there is no ambiguity in making the reference to the competent Court by respondent No.2. We have perused the documents which are annexed to the present petition and we have also heard the learned AGP appearing for respondents. Perusal of the impugned order does not demonstrate any reason as to why the petitioners' references were kept pending for more than 21 years and the order also does not disclose any application of mind while rejecting the references. Provisions of the Land Acquisition Act do not

empower respondent No.2 to adjudicate or decide the correctness of the reference application made by petitioners and the only duty that is cast upon respondent No.2 is to forward the said reference application to the competent authority for its decision.

3 In the light of above the impugned order is unsustainable in law and, therefore, the impugned order dated 10.09.2025 passed by respondent No.2 is hereby quashed and set aside.

4 Respondent No.2 is directed to forward the references of petitioners to the competent authority within a period of 15 days from today.

5 With these directions, the writ petition stands disposed of.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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