IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 381 OF 2025

Dattatrey Kanu Patil … Petitioner

vs.

The Sub-divisional Officer, Panvel and others … Respondents

Ms. Pooja Patil, AGP for respondents – State authorities.

Mr. Saurabh Butala a/w. Ms. Harshada Shrikhande, i/b. Mr. Suyash Salve for respondent No.2.

CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ

DATE : 01st OCTOBER, 2026

P.C. :

. Heard learned counsel for the parties.

2. By this petition, the petitioner has challenged an order dated 04.03.2024 passed by respondent No.1 – Sub-divisional officer, Panvel (SDO), whereby an objection raised by the petitioner, as regards disbursal of compensation, with regard to 15 gunthas of land in Survey No.76/5A, Village Chikhale, Taluka Panvel, District Raigad, has been rejected.

3. The respondent – State authorities indicated their intention to acquire about 55 gunthas of land from the said survey number, including the said 15 gunthas with which the petitioner is concerned. The objection, which was rejected by the impugned order, was raised by the petitioner in response to a notice dated 23.08.2023 by respondent No.1 – SDO under Section 19-B(6) of Maharashtra

PRIYA KAMBLI Digitally signed by PRIYA KAMBLI Date: 2026.10.01 18:54:15 +0530

Highways Act, 1955 (hereinafter referred to as the Highways Act). It is to be noted that the acquisition proceeding is yet to commence, which would ultimately culminate in land acquisition award determining the quantum of compensation for land in the aforesaid survey number.

4. A perusal of the impugned order shows that respondent No.1 – SDO has referred to proceedings initiated by the petitioner under the provisions of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as the Act of 1948), for being declared a statutory tenant. Upon tracing the fate of the said proceeding and upon taking note of the fact that the name of respondent No.2 is recorded in 7/12 extract i.e. the revenue record, the said respondent proceeded to reject the objection.

5. A Division Bench of this Court, while issuing notice in the present petition on 28.03.2025, granted an interim direction to respondent No.1 – SDO not to disburse compensation amount to any of the parties until further orders.

6. The respondents appeared in the matter and reply affidavits were filed. The writ petition was taken up for consideration, when it came to light that as on today, the acquisition is yet to be undertaken to culminate into a land acquisition award, leading to determination of compensation. In that sense, it could be said that the dispute being raised, is premature.

7. Nonetheless, in paragraph No.4 of the affidavit-in-reply filed on behalf of respondent No.1 – SDO, following statements are made:

> '4. I say that the suit land has been acquired for the Virar-Alibaug Multimodal Corridor. Mr. Pramod Hansraj Gandhi filed an application for disbursement of the compensation amount in his favour. It is to be noted that Respondent No.1 has not passed any award in respect of the suit land. Furthermore, the compensation amount has not yet been released by Respondent No.1 to any person, as Respondent No.1 has not received funds from the Maharashtra State Road Development Corporation for disbursement to the beneficiaries. The Maharashtra State Road Development Corporation is not made party to this Petition. Respondent No.1 is ready to refer apportionment dispute to principle court of original civil jurisdiction in terms of section 19 c (4) of Maharashtra Highways Act, 1955.'

8. The above-quoted portion clearly shows that upon the occasion arising for disbursal of compensation, respondent No.1 – SDO has shown readiness to refer the dispute under Section 19-C(4) of the Highways Act, to the Principal Court of original civil jurisdiction. We could have disposed of the writ petition only on the aforesaid statement, but for the fact that the learned counsel for respondent No.2 submits that any observation on the basis of the aforesaid statement of respondent No.1 – SDO, should not become a *fait accompli* for respondent No.2. It is submitted that respondent No.2 is entitled to question the referral of dispute sought to be raised by the petitioner under Section 19-C(4) of the Highways Act.

9. In that context, the learned counsel for respondent No.2 is at pains to point out that as on today, the petitioner has not been able to establish his claim with regard to aforesaid 15 gunthas of land for being statutory tenant. Attention of this Court is invited to an order dated 27.10.2017 passed by the Tahsildar, Panvel, whereby an application under Section 70B of the Act of 1948, has been rejected. It is further brought to the notice of this Court that a challenge raised

thereto under the provisions of the Mamlatdars' Courts Act, 1906, stood rejected on 12.07.2022, *inter alia*, on the ground that such challenge raised under the said Act, was not maintainable.

10. Thereupon, the petitioner filed an appeal under Section 74 of the Act of 1948 in the year 2024. It is brought to our notice that by an order dated 26.12.2025, the said appeal was dismissed for non-prosecution. On this basis, it is submitted that there is not even a semblance of right in the petitioner to raise dispute and therefore, this Court may take into consideration the said admitted position on facts, before disposing of the present petition. The learned counsel for the petitioner submits that the petitioner intends to file an application before the SDO for restoration of appeal.

11. The learned AGP has invited attention of this Court to the provisions of the Highways Act, to contend that it was only in pursuance of the notice issued under Section 19-B(6) of the said Act, that the petitioner submitted the objection, which was eventually dismissed by the impugned order. By relying upon the above-quoted paragraph No.4 of the affidavit-in-reply filed on behalf of respondent No.1 – SDO, it was submitted that the writ petition can be disposed of, as the said respondent has already undertaken to refer the matter under Section 19-C(4) of the Highways Act, in the event a dispute arises upon determination of quantum of compensation.

12. Upon perusal of the documents and material on record and after considering the rival submissions, we find that the dispute, if at all raised at the behest of the petitioner, is restricted to 15 gunthas of land in Survey No.76/5A of Village Chikhale, Taluka Panvel, District Raigad. As regards the balance 41.5 gunthas of land, there is no

dispute at all. We further find that as on today, the claim raised by the petitioner of being a statutory tenant in 15 gunthas of the said land, is yet to be recognized as per law. In such a situation, the process of acquisition of land, determination of compensation and disbursal thereof, need not be interdicted, by keeping the present petition pending before this Court.

13. The interim order dated 28.03.2025 passed by the Division Bench of this Court has resulted in the acquisition proceeding itself coming to a standstill. This cannot be countenanced and therefore, the writ petition can be disposed of by issuing appropriate directions.

14. In view of the above, the writ petition is disposed of as follows:

(a) The acquisition of subject land can proceed in accordance with law under the provisions of the Highways Act, as indicated by respondent No.1 – SDO, while issuing notice under Section 19-B(6) of the said Act;

(b) the process of acquisition, determination of compensation and passing of award shall be undertaken strictly in accordance with law;

(c) it is recorded as a fact, which respondent No.1 – SDO shall take into account, that there is no dispute at all with regard to 41.5 gunthas of land in Survey No.76/5A, Village Chikhale, Taluka Panvel, District Raigad and that the petitioner has restricted his claim to only 15 gunthas from the said survey number;

(d) respondent No.1 – SDO shall proceed with the acquisition proceeding and upon passing of award and determination of compensation, the said respondent shall proceed further strictly in accordance with law, as regards the question of disbursal of compensation;

(e) if at all respondent No.1 – SDO reaches a conclusion that insofar as 15 gunthas of land, in respect of which the petitioner is raising objection, is to be referred to the competent Court, as per Section 19-C(4) of the Highways Act, it would be open for respondent No.2 to challenge such a decision in accordance with law and this Court is not expressing any opinion in that regard;

(f) in the light of the observations made hereinabove, if at all a situation arises where the petitioner raises a dispute restricted to 15 gunthas of the said land, respondent No.1 shall proceed strictly in accordance with law, without being influenced by the impugned order dated 04.03.2024.

15. It is clarified that the order passed in this petition will not come in the way of acquisition of the aforesaid 41.5 gunthas of land by consent.

16. Interim order is vacated.

17. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.) (MANISH PITALE, J.)

Priya Kambli