

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1171 OF 2026

WITH

WRIT PETITION NO. 50 OF 2026

WITH

WRIT PETITION NO. 1143 OF 2026

WITH

WRIT PETITION NO. 1257 OF 2026

Rudrapratap Ramsudarshan Tripathi .. Appellant

V/s.

Sub Divisional Officer Bhiwandi And .. Respondents
Ors

WITH

WRIT PETITION NO. 1144 OF 2026

Rudrapratap Ramsudarshan Tripathi .. Appellant

V/s.

Sub divisional officer and Ors .. Respondents

Mr. Kamlesh Tiwari, a/w Mr. Pulkit Tiwari, for the petitioners in all the petitions.

Ms. Mansi S. Bane, AGP, a/w Mr. R. S. Pawar, AGP for the Respondent/State in WP/1171/2026 & WP/50/2026.

Mr. A. A. Alaspurkar, AGP for the Respondent/State in WP/1143/2026.

Mr. Y. D. Patil, AGP for the Respondent/State in WP/1144/2026.

Ms. P. M. J. Deshpande, AGP for the Respondent/State in WP/1257/2026.

CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.

DATE : 18TH FEBRUARY 2026.

PC:

1. These petitions have been filed by the petitioners claiming that the Respondent No. 1 - Sub-Divisional Officer has committed an error in passing the impugned orders, whereby objections raised by the petitioners have been rejected and the Respondent No. 1 has directed the amount of compensation pursuant to acquisition of land to be paid to the private respondents in these petitions.

2. According to the learned counsel for the petitioners, the only recourse available to the Respondent No. 1 was to have referred the dispute under Section 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, hereinafter referred to as the Act of 2013, to the authority constituted under the provisions of the said Act.

3. Section 76 of the Act of 2013 pertains to disputes as to apportionment and in the light of such disputes being raised, the requirement of referring such disputes to the authority.

4. In the present case, the petitioners claim that the original owners of the land had executed agreements of sale in their favor. According to them, despite having executed such agreements, the original owners executed registered sale deeds in favor of the private respondents in

these petitions. It is an admitted position that in pursuance of the registered sale deeds being executed in favor of the private respondents, their names were duly included in the revenue records (7/12 Extracts). In other words, on the strength of registered documents, the names of the private respondents have been recorded in the revenue records as the owners of the subject land.

5. The petitioners have filed civil suits before the Competent Court seeking specific performance of the agreements upon which they rely, in which they have joined the original owners as defendants and they have also sought setting aside of the registered sale deeds executed by the original owners in favor of the private respondents in these writ petitions.

6. In other words, as on today, the recorded owners of the subject lands are the private respondents in these writ petitions. The claim of the petitioners is pending adjudication before the Civil Court.

7. It is in this backdrop that the Respondent No. 1 has passed the impugned orders, specifically taking note of the factual position recorded hereinabove. It is recorded in the impugned orders that only the names of the private respondents herein are recorded as owners in

the revenue records (7/12 Extracts) and even in the civil suits pending before the Competent Courts, no interim order has been passed in favor of the petitioners. Thereupon, the Respondent No. 1 has rejected the objections raised by the petitioners and proceeded to direct the compensation amounts to be paid to the recorded owners of the subject land.

8. We do not find any error committed by Respondent No. 1 in the facts and circumstances of the present case. We also are unable to agree with the learned counsel for the petitioners when he relies upon order dated 13th December 2022 passed by a Division Bench of this Court in Writ Petition No. 6218 of 2022 (Shrikrishna s/o Shivshankar Sambhare (Patil) and Anr Vs. State of Maharashtra and Ors). We find that the said order concerned a situation where the petitioners had filed a suit for partition and possession of the properties, including the property that was subject matter of the writ petition. The Division Bench of this Court found that since the dispute between the parties in the form of the said suit was pending before the Competent Court, wherein the respective shares of the parties were yet to be determined, a dispute regarding apportionment clearly arose and therefore, the dispute ought to have been referred to the authority under Section 76

of the Act of 2013.

9. The facts of these writ petitions are clearly distinguishable and therefore, the petitioners cannot rely upon the said order passed by the Division Bench of this Court. We are of the opinion that the Respondent No. 1 proceeded correctly in accordance with law because the dispute sought to be raised by the petitioners cannot be said to be a dispute regarding apportionment, rather it is a dispute concerning the rights claimed by the petitioners in their entirety in the subject lands, which are yet to be decided by Competent Civil Court. In the face of registered sale deeds executed in favor of the private respondents and they being the recorded owners of the subject properties, no fault can be found with the Respondent No. 1 in passing the impugned orders.

10. In view of the above, the writ petitions are dismissed. Pending applications, if any, stand dismissed.

11. At this stage, the learned counsel for the petitioners submits that liberty may be reserved for the petitioners to approach the Competent Civil Court where the suits are pending in order to seek appropriate directions with regard to the amounts of compensation disbursed to the private respondents. In fact, no such liberty is necessary. Yet, it is

observed that if the petitioners approach the Competent Civil Court in the pending suits to seek certain directions in respect of the compensation amount, the said Competent Civil Court shall decide such applications strictly in accordance with law.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)