

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7226 OF 2026**

Madhukar Krishna Patil and others ... Petitioners

vs.

The State of Maharashtra,
Department of Land Acquisition and others ... Respondents

Mr. Sagar A. Joshi for petitioners.

Mr. O. A. Chandurkar, Addl. GP a/w. Ms. M. S. Bane, AGP for respondent
Nos.1 and 2 – State.

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

DATE : 12th JUNE, 2026

P.C. :

. Heard learned counsel for the petitioners.

2. By this petition, the petitioners have challenged the order dated 25.05.2026 passed by respondent No.2 – Land Acquisition Officer / Sub-Divisional Officer, Kalyan, being the competent authority. By the said order, the said respondent has disposed of an objection raised on behalf of the petitioners with regard to entitlement/disbursal of quantum of compensation determined for acquisition of the subject land.

3. The learned counsel for the petitioners submits that despite the respondent No.2 – competent authority taking note of pendency of a civil suit before competent Civil Court, with regard to dispute between the petitioners and respondent No.3 herein, it has proceeded against the petitioners and refused to stay the disbursal of the compensation amount. It is submitted that in the light of the

dispute between the parties being pointed out to respondent No.2 – competent authority and details of pending proceedings before the Civil Court being relied upon, respondent No.2 – competent authority could not have rejected the objection raised on behalf of the petitioners.

4. The learned Addl. GP has appeared on behalf of respondent Nos.1 and 2 – State authorities and he submits that the impugned order passed by respondent No.2 – competent authority does not deserve any interference.

5. We have considered the rival submissions and we have also perused the impugned order. A perusal of the same shows that respondent No.2 considered the rival submissions and as a matter of fact, found that respondent No.3 is the recorded owner in the 7/12 extract (Revenue record). Respondent No.2 – competent authority also referred to the pending suit bearing Regular Civil Suit No.553 of 2015 before the competent Civil Court at Kalyan, where the petitioners are plaintiffs. It took note of the fact that the petitioners were unable to show any stay order obtained from the said Court, that would interdict disbursement of compensation in favour of respondent No.3. Thereupon, the objection was rejected with the observation that the result of the pending civil proceeding would be binding on all parties.

6. We are of the opinion that respondent No.2 – competent authority adopted a correct approach, in the facts and circumstances of the present case. The rights claimed by the petitioners in the subject property are still inchoate. The suit is pending since 2015 and we are informed that the petitioners did not even move the said Civil court for any interim relief. In such a situation, no error can be

attributed to respondent No.2 – competent authority in rejecting the objection, *inter alia*, observing that the recorded owner of the subject property is indeed respondent No.3.

7. We are of the opinion that eventually, if the petitioners are able to make out their case in the pending civil suit, the result thereof would certainly be binding on all parties, including respondent No.3 and even if the compensation amount is disbursed to the said respondent, it would be recoverable at the behest of the petitioners. No case is made out by the petitioners to stay the disbursal of compensation to respondent No.3.

8. In view of the above, the writ petition is dismissed.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)

Priya Kambli