

|                                                                                       |                |                                |
|---------------------------------------------------------------------------------------|----------------|--------------------------------|
| Ramchandra Dagadu Bankar and another<br><b>Vs.</b><br>State of Maharashtra and others | ...<br><br>... | Petitioners<br><br>Respondents |
|---------------------------------------------------------------------------------------|----------------|--------------------------------|

Mr. Chetan Yadav for Respondent Nos.10 and 12.

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

**DATE : MARCH 26, 2026**

P.C. :

. Heard learned counsel for the parties.

2. The petitioners have prayed for a direction to respondent No.3 i.e. Land Acquisition Officer and Sub-Divisional Officer to refer the dispute raised by the petitioners with regard to apportionment of compensation to the Principal Civil Court of Original Jurisdiction.

3. This was in the context of determination of compensation by negotiations and consent in terms of the document at exhibit-C dated 04.10.2023. Since the compensation was determined as per the consent award, additional compensation of 25% as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 was also included in the total amount of compensation so determined.

4. The petitioners contend that while there is no dispute amongst

them and other family members i.e. respondent Nos.4 to 10 and 12 about apportionment of compensation determined for acquisition of land, there is a dispute with regard to the amount of compensation determined for the fruit trees, other trees and also some other components like well, pipeline, bore-well, etc. According to the petitioners, they are exclusively entitled for the amount of compensation under the said heads. It was indicated to this Court that amongst all the family members i.e. petitioners and respondent Nos.4, 10 and 12, there was no serious dispute about the determination of the total amount of compensation and that, none of the members were pressing for enhancement of the quantum of compensation.

5. In this petition, on 22.12.2025, ad-interim relief was granted in terms of prayer clause (G), whereby respondent No.3 was restrained from disbursing compensation as regards trees, bore-well, pipeline, etc.

6. During the pendency of this petition, respondent Nos.4 to 12 were added as respondents being the family members of the petitioners and also claimants in the present case. In the order dated 16.02.2026, this Court recorded the fact that respondent No.11 had expired and since her legal representatives were already on record, she was deleted from the array of the respondents.

7. It is also to be noted that in an earlier order dated 23.01.2026, this Court took note of the specific submission made on behalf of the petitioners that enhancement of compensation was not being claimed by any of the family members and since there was a proposal pending before the respondent State authorities for converting the present acquisition into a case of compulsory acquisition, the process was required to be suspended during the pendency of the present writ petition. In that light, by order dated 23.01.2026, this Court restrained the respondent State authorities from taking steps of converting this into

a case of compulsory acquisition. At the same time, intervention application filed by the family members was allowed and accordingly they were joined as respondent Nos.4 to 9 in this petition. The said respondent Nos.4 to 9 are represented by counsel and a reply affidavit on their behalf is placed on record. It is categorically stated therein that the said respondents are seeking enhancement of compensation and therefore, the acquisition in the present case ought to be one under Section 19B(3) of the Maharashtra Highways Act, 1955 as a compulsory acquisition. The aforesaid stand taken on behalf of respondent Nos.4 to 9 clearly shows that the family members are not agreeable to the determination of compensation in terms of document at exhibit-C and that necessary steps are required to be taken for treating this as a case of compulsory acquisition.

8. As a matter of fact, the learned counsel appearing for respondent Nos.4 to 9 has tendered a copy of the minutes of meeting dated 08.12.2025 of the District Level Acquisition Committee. It records the fact that approval has been granted for a proposal to acquire the land belonging to the petitioners and respondent Nos.4 to 10 and 12 by way of compulsory acquisition. In that light, the document at exhibit-C determining the quantum of compensation as a consent award completely loses its significance and thereby indicates that the prayer made in the present writ petition for referring the dispute between the parties for apportionment to the Principal Civil Court of Original Jurisdiction is also rendered meaningless.

9. Once the process of compulsory acquisition under Section 19B(3) of the said Act is undertaken, the quantum of compensation would be determined in the land acquisition award and the question of apportionment and the dispute pertaining thereto would arise only after such an award is rendered.

10. During the course of hearing, this Court also indicated that since the petitioners and respondent Nos.4 to 10 and 12 are members of the same family, the dispute could be referred for mediation. This was particularly in the light of the fact that the quantum of compensation determined by the consent award, as per law, provides for additional compensation of 25%, which has been already determined in the said document at exhibit-C.

11. The hearing of this petition was kept back for a short while for the counsel to take instructions. The learned counsel for respondent Nos.4 to 9 submitted that the said respondents are not agreeable for the matter to be referred for mediation in the backdrop of the fact that such an attempt was made before respondent No.3, but it did not fructify into an agreement between the parties.

12. In view of the above, it is evident that the prayers made in the present petition cannot be granted, particularly in the light of the subsequent events, including the District Level Acquisition Committee approving the proposal for compulsory acquisition of the subject lands.

13. Hence, the writ petition is disposed of. The interim order is vacated.

14. Liberty is reserved for the parties to take appropriate steps for apportionment of compensation in the event the dispute arises between them after the land acquisition award is passed pursuant to the process of compulsory acquisition.

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

**(SHREERAM V. SHIRSAT, J.)**

**(MANISH PITALE, J.)**