



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 3445 OF 2025**

1. Santosh Shriram Kaldade, Aged 63 years,  
Occ: Agriculturist.
2. Bajrang Shriram Kaldade, Aged 49 years,  
Occ: Agriculturist.
3. Ramkrushna Haribhau Kaldade, Aged 63 years,  
Occ: Agriculturist.
4. Prabhakar Haribhau Kaldade, Aged 55 years,  
Occ: Agriculturist.
5. Vishnu Haribhau Kaldade, Aged 53 years,  
Occ: Agriculturist.

All R/o Hingana Balapur, Tq. Jalgaon Jamod, Dist. Buldana.

**PETITIONERS**

**VERSUS**

1. Mandabai Wasudeo Chincholkar, Aged 45 years,  
Occ: Household, R/o Mamulwadi, Tq. Nandura,  
District – Buldana.
2. Kalpana Nitin Ghatol, Aged 40 years, Occ: Household,  
R/o Wadi Isapur, Tq. Telhara, District Akola.
3. Kesarbai Devidas Pilatre, Aged 61 years,  
Occ: Household, R/o Borgao Manju, Taluka and  
District Akola.
4. Vijayabai Mahadeo Kharate, Aged 50 years,  
Occ: Household, R/o Alegaon, Tq. Patur, Dist. Akola.
5. Deputy Collector and Land Acquisition Officer  
(Medium Projects), Buldana.

**RESPONDENTS**

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Shri M.G. Sarda, counsel for the petitioners.  
None for the respondent nos.1 to 4, though served.  
Ms P.T. Joshi, Assistant Government Pleader for the respondent no.5.

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**CORAM : PRAFULLA S. KHUBALKAR, J.**

**DATE : MARCH 06, 2026**

**ORAL JUDGMENT**

**RULE.** Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties. Nobody appears for the respondent nos.1 to 4, though served.

2. The petitioners' challenge is to the order dated 21.04.2025 passed by the Deputy Collector, Land Acquisition (Medium Project), Buldana by which compensation on account of land acquisition is ordered to be apportioned amongst the members of petitioner's family to the exclusion of the petitioners.

3. The petitioners claim to be the members of Kaldate family which had owned land bearing Gat no.2 at Mouza Hingna Balapur admeasuring 2 Hectare 93 Are. The land was jointly owned by two brothers, viz. Haribhau and Shriram. The petitioners and the respondents are sons and daughters of these two brothers. During his lifetime, Haribhau executed a partition-deed and a separate Will-deed was also executed with respect to the land in question. The land was acquired by the Government for the purpose of Jigaon project and after the award was passed, the petitioners asserted their entitlement to the compensation of apportioned share in the land. Pursuant to their application, notices were issued to the petitioners and the respondents. The Competent Authority passed order dated 20.04.2022 regarding disbursement of compensation which was challenged by the respondent no.1 herein and others *vide* Writ Petition no.2612 of 2022. This writ petition came to be decided by order dated 21.08.2023 and the matter came to be remanded to the Deputy Collector Land Acquisition Officer (Medium Project), Buldana to take a fresh decision. Accordingly, the parties appeared before the Authority which had passed the impugned order on 21.04.2025 by which apportionment of the amount of compensation is decided to the exclusion of the petitioners.

4. The petitioners' primary contention is that the entitlement of the petitioners is completely ignored and in the wake of dispute about entitlement of respective parties without referring the dispute, the respondent no.5 has itself adjudicated the claims.

5. It has to be seen that the impugned order directs grant of compensation to some of the members of Kaldate family excluding the petitioners on the basis of an observation that the partition-deed appears to be doubtful even though there is no challenge to the partition-deed on record. It has also to be noted that while passing order dated 21.08.2023 in Writ Petition no.2612 of 2022 this Court had specifically directed the Authority to make a reference as per the provisions of the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in case there is any dispute of any nature. In this background, in the wake of claims raised by the petitioners on the basis of partition-deed, in case the Authority found any dispute, it was desirable to make a reference in accordance with the provisions of the Act. The inferences and conclusions recorded by the respondent no.5 with respect to the document of partition-deed resultantly denying the claim of petitioners clearly shows that the option of making a reference could have been availed.

6. Having regard to the contentions canvassed on behalf of the petitioners, which are not controverted by the respondent nos.1 to 4, for the purpose of deciding the entitlement of the petitioners, it is necessary that the matter is given a fresh look. Hence, in the interest of justice, the

matter needs to be remanded to the respondent no.5 for taking a fresh decision about apportionment of compensation. Hence, in view of above mentioned factual and legal aspects, the following order is passed:-

- I. The writ petition is allowed.
- II. The order dated 21.04.2025 passed by the respondent no.5 is quashed and set aside.
- III. The matter is remitted to the respondent no.5 for reconsideration of the controversy and to pass a final order, after affording an opportunity of hearing to all the parties concerned.
- IV. Considering the controversy involved and the fact that the parties are of advanced age, the respondent no.5 is directed to expeditiously decide the proceedings.
7. Rule is made absolute in aforesaid terms with no order as to costs.

**(PRAFULLA S. KHUBALKAR, J.)**