



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAF) No.3431 OF 2025

AND

FIRST APPEAL No.1294 OF 2025

The Executive Engineer,
Maharashtra State Road Development Corporation,
(Ring Road Project),
Civil Lines, Nagpur.

: APPELLANT

...VERSUS...

1. State of Maharashtra,
through the Special Acquisition Officer,
(General) Collectorate, Civil Lines, Nagpur.
2. Vijay s/o. Yogeshwar Rathi,
Aged about 57 years, Occ. Agriculturist.
3. Rajesh s/o Yogeshwar Rathi,
Aged about 57 years, Occ. Agriculturist.
4. Smt. Kamladevi wd/o. Yogeshwar Rathi,
Aged about 73 years, Occ. Household,

All are R/o. Candika Chowk Katol,
Dist. Nagpur.

: RESPONDENTS

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Mr. A.D. Mohgaonkar, Advocate for Appellant.

Mr. H.D. Futane, Assistant Government Pleader for Respondent No.1.

Mr. S.N. Bhattad, Advocate for Respondent Nos.2 to 4.

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CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.

RESERVED ON : 27th FEBRUARY, 2026.

PRONOUNCED ON : 17th MARCH, 2026.

JUDGMENT : (Per : NANDESH S. DESHPANDE, J.)

1. This Civil Application arise out of the judgment and

decree passed by the 6th Joint Civil Judge, Senior Division at Nagpur in Land Acquisition Reference No.555/2010. The Application seek remand of the proceedings back to the Reference Court for enabling the appellant to file its written statement and contest the claim of the respondent Nos.2 to 4 i.e. original claimants, on merits with a further directions for time-bound disposal of the same.

2. It is the contention of the present respondent Nos. 2 to 4 i.e. original claimants that the reference proceedings were filed by them, wherein appellant was joined as respondent No.2 and summons was served upon the office of the appellant. It is further contended that for the first time, the appellant has come before this Court with a plea that the appellant i.e. “Maharashtra State Road Development Corporation” is a Corporation established and fully owned by the Government of Maharashtra through a Resolution dated 9/7/1996 and the said Corporation was incorporated as a limited Company under the Companies Act on 2/8/1996.

3. It is further contended by the claimant in the civil application that the State of Maharashtra at the request of the present appellant has acquired land for laying down of Katol bypass road and the claimants being not satisfied with the compensation, as awarded to them, filed the reference proceedings for enhancement of the claim. The said reference proceedings were

allowed by the judgment and award, which is impugned in the present appeals. It is also stated in the application that the appellant herein was served at the address mentioned in the title clause of the appeal and a written statement was filed by the Assistant Engineer, Grade-1, Public Works Sub-Division, Katol and accordingly they were represented in the reference proceedings throughout. It is further stated in the application that the present appellant for the first time came before this Court with a stand that it was never served with the suit summons and the representation by the Assistant Engineer, Grade-1, Public Works, Sub-Division, Katol on behalf of the State of Maharashtra before the Reference Court was not a proper representation. It is, therefore, stated that in absence of the same the award is not binding on the appellants. This is the main ground of challenge in the present appeal.

4. The application fairly concedes that even though according to the claimants, the present appellant was duly served and represented, the fact remains that the appeal will take a long time for hearing. The respondent Nos. 2 to 4 i.e. original claimants, therefore, prays that the ground raised by the appellant in the appeal be considered and the appeal be remanded back to the Reference Court for facilitating the present appellant to file a written statement and contest the claim on merits.

5. We have heard Mr. S.N. Bhattad, learned counsel for the applicant/respondent Nos.2 to 4, who reiterates the contentions made herein above. We have also heard Mr. A. D. Mohgaonkar, learned counsel for the appellant in the appeal.

6. Mr. A.D. Mohgaonkar, learned counsel for the appellant submits that as a matter of fact the concerned Officer of the Public Works Division nor the State of Maharashtra were authorized to represent the present appellant, which is a Corporation fully owned by the State but is an independent body. He, therefore, prays for appropriate orders to be passed.

7. We have appreciated the contentions canvassed by the learned counsels for the respective parties and also gone through the record of the matter which includes the judgment of the Reference Court. In the said judgment, reference to the written statement filed by the present appellant is found. In the said written statement, the present appellant who was the non-applicant No.2 before the Reference Court apart from denying the contentions raised by the claimants has stated that the reference is barred by limitation. It can also be seen from the said judgment, no evidence was adduced by the State of Maharashtra nor the non-applicant No.2 i.e. present appellant. It is a specific ground raised in the appeal that the State of Maharashtra without contacting the

present appellant and without any written instructions filed a written statement in the reference proceedings which was affirmed by the Sub-Divisional Officer, Public Works Department, Sub-Division Katol who was not a party and nor authorized to file a written statement on behalf of the present appellant.

8. We have also perused the said written statement which is filed on record. This fact is fortified from the said written statement also. Therefore, the contention of the appellant that it was not aware and, therefore, not represented before the reference proceedings seems to be of substance. This aspect is also fortified by the contention made in the civil application by the present respondent Nos.2 to 4 i.e. original claimants.

9. As can be seen from the record of the matter, the appellant has deposited an amount of Rs.17,94,416/- in this Court vide order dated 26.07.2024. In view of depositing of the amount, the said amount with accrued interest thereon is transferred to 6th Joint Civil Judge, Senior Division, Nagpur and the appellant is permitted to apply to the said Court for withdrawal of the said amount.

10. Thus, in view of the fact that the original claimants i.e. respondent Nos.2 to 4, in view of the specific ground raised by the appellant herein, seeks remand of the matter back to the Reference

Court, we pass the following order.

ORDER

- (i) The civil application is partly allowed.
- (ii) The matter bearing Land Acquisition Reference No.555/2010 is remanded back to the Reference Court i.e. 6th Joint Civil Judge, Senior Division, Nagpur for disposal in accordance with law.
- (iii) The appellant herein is permitted to file written statement and/or such material, documents to substantiate his claim.
- (iv) The Reference Court is directed to decide the reference expeditiously and in any case till 31st March, 2027.
- (v) The First Appeal No.1294/2025 is disposed of accordingly.
- (vi) The amount of Rs.17,94,416/- with accrued interest thereon shall be transferred to the Court of 6th Joint Civil Judge, Senior Division, Nagpur.
- (vii) The appellant is at liberty to apply for withdrawal before the Reference Court, who is directed to decide the said application in accordance with law.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)