026:BHC-AS:2

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 115/2026
IN
FIRST APPEAL NO. 90/2023

SANTOSH DAGDU SANE ..APPLICANT
VS
THE LAND ACQUISITION OFFICER
NO 17 PUNE. ..RESPONDENT

WITH
IA/7529/2025
IN
FA/172/2021

LAXMAN BABURAO PILANE (DECECASED)
THR. LRS.1- ANUSAYA LAXMAN PILANE & ORS ..APPLICANTS
VS.
THE LAND ACQUISITION OFFICER NO.17 PUNE
AND ORS. ..RESPONDENTS

WITH
IA/7538/2025
IN
FA/309/2022

BAPU KRISHNA MAHASAVADE ..APPLICANTS
VS.
THE LAND ACQUISITION OFFICER NO.17 PUNE
AND ORS. ..RESPONDENTS

WITH
IA/7534/2025
IN
FA/685/2022
WITH
IA/7528/2025
IN
FA/850/2022

RAKHAMAJI YESHU CHIKANE & ANR. ..APPLICANTS
VS.
THE LAND ACQUISITION OFFICER NO.17 PUNE
AND ORS. ..RESPONDENTS

WITH
IA/12480/2025

IN
FA/173/2021

MARUTI GANPAT SANE ..APPLICANT
VS.
THE LAND ACQUISITION OFFICER
NO.17 PUNE AND ORS. ..RESPONDENTS

WITH
IA/7525/2025
IN
FA/170/2021

NARAYAN RAGHU SANE (DECD.) THR
HIS LRS 1A) ANUSAYA NARAYAN SANE (DECD.) ..APPLICANT
VS.
THE LAND ACQUISITION OFFICER
NO.17 PUNE AND ANR. ..RESPONDENTS

WITH
IA/88/2026
IN
FA/192/2021

BABAN BHAIRU SANE & ORS. ..APPLICANTS
VS.
THE LAND ACQUISITION OFFICER
NO.17 PUNE AND ORS. ..RESPONDENTS

WITH
IA/7541/2025
IN
FA/177/2021

ANANTA DHONDIBA SANE ..APPLICANT
VS.
THE LAND ACQUISITION OFFICER NO.17 PUNE ..RESPONDENT

WITH
IA/7542/2025
IN
FA/200/2021

DINKAR KRISHNA GADEKAR ..APPLICANT
VS
THE LAND ACQUISITION OFFICER NO.17
PUNE AND ORS. ..RESPONDENTS

WITH
IA/7530/2025
IN

FA/331/2022

BABAN BHAIRU SANE ..APPLICANT

VS

THE LAND ACQUISITION OFFICER NO.17 PUNE AND ORS. ..RESPONDENTS

WITH

IA/7526/2025

IN

FA/176/2021

DHONDIBA YASHWANT PARTHE AND ORS. ..APPLICANTS

VS

THE LAND ACQUISITION OFFICER NO.17 PUNE AND ORS. ..RESPONDENTS

WITH

IA/7533/2025

IN

FA/310/2022

DHONDIBA YESHWANT PARTHE ..APPLICANT

VS

THE LAND ACQUISITION OFFICER NO.17 PUNE AND ORS. ..RESPONDENTS

WITH

IA/7531/2025

IN

FA/424/2022

DINKAR KRISHNA GODEKAR ..APPLICANT

VS

THE LAND ACQUISITION OFFICER NO.17 PUNE AND ORS. ..RESPONDENT

WITH

IA/7540/2025

IN

FA/627/2022

SHIVAM SAKHARAM PARTE ..APPLICANT

VS

THE LAND ACQUISITION OFFICER NO.17 PUNE AND ORS ..RESPONDENTS

WITH

IA/7523/2025

IN

FA/403/2022

SHIVRAM SAKHARAM PARTHE ..APPLICANT
VS.
THE LAND ACQUISITION OFFICER NO.17
PUNE AND ORS ..RESPONDENTS
WITH
IA/7535/2025
IN
FA/175/2021
RAGHU BHAGU SANE AND ORS. ..APPLICANTS
VS
THE LAND ACQUISITION OFFICER NO.17
PUNE AND ORS ..RESPONDENTS
WITH
IA/3629/2025
IN
FA/650/2022
SUDHIR SHANKAR @ DINKAR SANE AND ORS. ..APPLICANTS
VS.
THE LAND ACQUISITION OFFICER NO.17
PUNE AND ORS ..RESPONDENTS
WITH
IA/2475/2026
IN
FA/651/2022
RAGHU SAKHARAM SANE ..APPLICANT
VS.
THE LAND ACQUISITION OFFICER NO.17 PUNE ..RESPONDENT
WITH
IA/7532/2025
IN
FA/408/2022
BABAN DHONDIBA SANE AND ORS. ..APPLICANTS
VS.
THE LAND ACQUISITION OFFICER NO.17
PUNE AND ORS ..RESPONDENTS
WITH
IA/7527/2025
IN
FA/593/2021
DHONDIBA DAGDU SANE (DECEASED)
THR. HIS LRS. 1A) BABAN DHONDIBA

SANE AND ORS. ..APPLICANTS
VS
THE LAND ACQUISITION OFFICER NO.17
PUNE AND ORS ..RESPONDENTS

WITH
IA/2477/2026
IN
FA/681/2022

RAGHU SAKHARAM SANE ..APPLICANT
VS
THE LAND ACQUISITION OFFICER NO.17
PUNE AND ORS. ..RESPONDENTS.

Adv. Amrita Kharkar a/w. Adv. Sayalee Bhosale i/b. Adv. P. H. Potnis for the applicants
Adv. Shagufa Patel through VC for respondents.
Mr. A. R. Patil, Addl. G.P. for State.

CORAM : RAJESH S. PATIL, J.

DATE : 10 APRIL 2026.

P.C. :

1. These are the applications for amendment of the First Appeals, seeking enhanced compensation.

2. Heard learned Counsel for both the parties.

3. The Supreme Court in the decision of ***Ambya Kalya Mhatre (Dead) through Lrs and others vs. State of Maharashtra***, reported in ***(2011) 9 SCC 325***. Paragraph Nos.12, 22, 26 and 28 read as under:-

> *"12. During the pendency of the special leave petition, the issue whether the Reference Court can permit a claimant to amend his claim so as to increase the compensation claimed, came up for consideration before a Full Court of the Bombay High Court in State of Maharashtra v. Sitaram Narayan Patil. The*

Full Court overruled the impugned judgment dated 11-11-2008 which is reported in State of Maharashtra v. Ambya Kalya Mhatre and held that a claimant whose land is acquired, can be allowed to amend his claim application so as to enhance the compensation claimed in an application for reference under Section 18 of the Act can be allowed before the Reference Court as well as at the stage of an appeal in the High Court arising out of the decision of the Reference Court.

22. As the Act does not require the person aggrieved/landowner specify the amount of compensation sought, when objecting to the amount of compensation and seeking a reference, mentioning of the amount of compensation sought is optional. As there is no obligation to specify the amount in the application for reference, it can be specified in the claim statement filed before the Reference Court. The period of limitation in Section 18 of the Act has nothing to do with specifying the amount of compensation claimed. It therefore follows that if the reference is in regard to objection to the amount of compensation, the Reference Court can permit any application for amendment of the claim relating to compensation.

26. When the reference is received, the court causes notice specifying the date of hearing for determining the objection of the landowner/person aggrieved (Section 20 of the Act). The Reference Court has to call upon the claimants to file their statement of claim and call upon the Collector to file his objections to the claim statement and then proceed with the matter. Where the application under Section 18 contains the necessary particulars, the Reference Court may treat the application for reference under Section 18 and the Collector's statement under Section 19 of the Act as the pleadings. The landowner is entitled to specify the amounts claimed by him as compensation and the heads of compensation for the first time in such claim statement before the Reference Court. He can also file an application amending the claim. What is not permitted after the expiry of the period of limitation specified in Section 18 of the Act, is changing the nature of objections from one category to another. If the reference had been sought with reference to objection to amount of compensation, the landowner cannot after the period of limitation, seek amendment to change the claim as objection to measurement or objection to apportionment.

28. The compensation depends upon the market value established by evidence and does not depend upon what the landowner thinks is the value of his land. If he has an exaggerated notion of the value of the land, he is not going to get such amount, but is going to get the actual market value. Similarly, if the landowner is under an erroneous low opinion about the market value of his land and out of ignorance claims lesser amount, that cannot be

> *held against him to award an amount which is lesser than the market value. When the Act does not require the landowner to specify the amount of compensation, but he voluntarily mentions some amounts, and subsequently, if the market value is found to be more than what was claimed, the landowner should get the actual market value. We fail to see why the landowner should get an amount less than the market value, as compensation. Consequently, it follows that if the landowner seeks amendment of his claim, he should be permitted to amend the claim as and when he comes to know about the true market value. When the Act is silent in regard to these matters to impose any condition to the detriment of an innocent and ignorant landowner who has lost his land would be wholly unjust."*

(Emphasis supplied)

4. After hearing both the parties, I am convinced that a case is made out to allow the Interim Applications.

5. The Interim Applications are allowed in terms of **prayer clauses (A) & (B)** and disposed of. Amendments to be carried out within a period of two weeks from today.

(Rajesh S. Patil, J.)