

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1157 OF 2015

Tanaji Deorao Kangule,
Age: 51 years, Occu: agri.
R/o Lasona, Tq. Devni
Dist. Latue

Petitioner

Versus

1 The State of Maharashtra

2 District Collector, Latur
Tq. & Dist. Latur

3 The Executive Engineer,
Latur Medium Project, Latur

4 The Special Land Acquisition Officer
PT & IT, Latur

Respondents

Mr.V.D.Gunale advocate for the petitioner
Mrs. S.A. Dhumal, AGP for Respondents No.1 to 4

CORAM : R.M. BORDE &
V.K. JADHAV, JJ

Dated : 30th March, 2015.

ORAL JUDGMENT
(Per: R.M. BORDE, J)

1 Rule.

2 By consent of the parties, taken up for final disposal at
admission stage.

3 The petitioner is praying for directions to respondent No.4 to refer the application tendered by him, under section 8 of the Land Acquisition Act, for enhancement of amount of compensation, in respect of acquisition of land to the Civil Court.

4 The petitioner contends that, he tendered the Reference Application with the office of respondent No.4 on 16.11.2009. As a token of receipt of the Application and the Court fees of Rs.4,205/-, the concerned official of the Office of respondent No.4 has put a stamp and signature. The office copy of the Reference Application is possessed by the petitioner.

5 The petitioner contends that, since the application tendered by him or reference has not been forwarded to the Civil Court, he approached the office of Respondent No.4, on several occasions. However, no steps have been taken. The petitioner, has, as such approached this Court, seeking direction to respondent No.4 to refer the matter to the Civil Court.

6 An affidavit in reply has been presented on behalf of respondent No.4 and it is stated that, the Reference Application tendered by the petitioner is not traced in the office of respondent No.4. It is contended that, during transfer of record from one place to another, the Reference Application might have been misplaced.

It is contended that if the petitioner tenders a fresh proposal, the same would be transmitted to the Civil Court from the Official of Special Land Acquisition Officer to the office of the Sub divisional Officer for onward transmission of the Reference Application to the Civil Court.

7 The fact of presentation of Reference Application together with Court fees of Rs.4,205/-, with the office of respondent No.4, has not been disputed. Petitioner undertakes to tender an office copy of the Reference Application to respondent No.3, within a period of two weeks from today. On presentation of the Office copy of the Reference Application, to the office and respondent No.4 as directed above, the special land Acquisition Officer PT & IT shall forward papers to the office of the Sub divisional Officer for onward transmission of the reference application to the Civil Court. It is clarified that, the petitioner shall not be required to pay Court fees, once again, since he has already tendered the same, with respondent No.4 and the said fact has also been acknowledged. It would be the responsibility of respondents No.2 to 4 to make good the Court fees and satisfy the legal requirements in that behalf. The respondent No.4 Collector shall ensure Reference of the Reference application from the office of the Sub divisional Officer through the subordinate i.e. Sub

divisional Officer as expeditiously as possible and preferably within a period of six weeks from today.

8 In view of above directions, rule is made absolute.

9 There shall be no order as to costs.

(V.K. JADHAV, J)

(R.M.BORDE, J)

vbd