

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

CIVIL REVISION APPLICATION NO. 72 OF 2017

LAXMAN DADARAO BARVE (DIED) THROUGH L.RS.
MANGALBAI CHANDRAKANT MANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR
OSMANABAD AND OTHERS

...

Advocate for Petitioners : Ingale Vivekanand V.

AGP for Respondents: Mr. B.A.Shinde

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CORAM : K.L.WADANE, J.

DATED : 13th September, 2017

O R D E R :

Heard learned counsel for the applicants and learned A.G.P. for respondents.

2. Mr. Ingle, learned counsel for the applicants submits that originally the claimant namely Laxman Dadarao Barve filed Reference under Section 18 of the Land Acquisition Act before the Land Acquisition Officer (Krishna Khore Vikas Mahamandal at Osmanabad) and sought time to pay court fee. However, during pendency of the Reference before the Land Acquisition Officer, original claimant namely Laxman Barve died. So also his wife Kamalbai also died. Therefore,

their legal representatives applicant nos. 2 to 6 were unaware about pendency of Land Acquisition Reference before the Land Acquisition Officer for payment of deficit court fee.

3. I have perused the communication dated 10.11.2015, from which it appears that concerned Land Acquisition Officer has addressed a letter to Laxman Dadarao Barve who is reported to be dead on 3.5.2007. Therefore, obviously the communication was in the name of a dead person. So, by the said communication it cannot be said that present applicant nos. 2 to 6 were aware about deficit court fee to be deposited before the Land Acquisition Officer.

4. In view of above, following order is passed.

(i) The impugned order dated 10.11.2015 passed by the Land Acquisition Officer is set aside.

(ii) Applicant nos. 2 to 6 shall deposit deficit court fee before the Land Acquisition Officer within a period of eight weeks from today.

(iii) If amount of court fee is not

paid within the stipulated period, the order dated 10.11.2015 passed by the Deputy Collector/Land Acquisition Officer shall govern the field.

(iv) If amount of deficit court fee is deposited within the stipulated time as above, then the Special Land Acquisition to follow further procedure.

5. Civil Revision Application is allowed in above terms.

(K.L.WADANE, J.)

dbm