

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

CIVIL REVISION APPLICATION STAMP NO. 6083 OF 2018

AMBADAS KRISHNA KUDALE (DIED) THROUGH HIS L.RS.
SHASHIKALA AMBADAS KUDALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR /
DY. COLLECTOR LAND ACQ. MEDIUM PROJECT NO.2 AND
OTHERS.

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Advocate for Applicants : Mr. Murge Estling S
AGP for Respondents 1-3 : Mr. S W Munde

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CORAM : N.M. JAMDAR, J.
Dated : December 22, 2018

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PER COURT :-

The learned counsel for the applicants undertakes to remove all office objections. Civil Revision Application is taken up for consideration.

2. The applicants have challenged the order passed by the Deputy Collector (Land Acquisition), Osmanabad dated 31 March 2016. By this order, the Deputy Collector has rejected the Land Acquisition Reference made by the applicants under section 18 of the Land Acquisition Act on the ground that court fees have not been paid. This issue is covered by the decision of the learned Single Judge

of this Court in the case of Laxmibai w/o Ganesh Parke and others Vs. State of Maharashtra and others¹ wherein this Court has held that the Special Land Acquisition officer has no authority to reject the application on the ground of non-deposit of court fees. In the decision of *Laxmi*, the learned Single Judge has set aside the order and directed the Collector to make a reference to the Civil Court.

3. Accordingly, the civil revision application is allowed in the following terms. The respondent no.1 is directed to make Reference to the Civil Court within a period of four weeks from the date of receipt of this order. The Court fees shall be paid by the applicants herein within a period of three months from the date of receipt of reference from the Collector/Special Land Acquisition Officer. It is made clear that unless such compliance is made the Reference shall not be registered.

(N.M. JAMDAR, J.)

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