

2. The applicants have challenged the order passed by the Special Land Acquisition Officer, Osmanabad, dated 12 May 2016 refusing to forward the reference made under section 18 of the Land Acquisition Act. The ground given by the Special Land Acquisition Officer for not forwarding the reference is that the applicants have not paid the required court fees.

3. This Civil Revision Application was filed after delay of 608 days. At the time of condonation of delay, the learned Single Judge (Mr. R.V. Ghuge, J.) has observed thus:

“4. Learned counsel for the applicants submits that these applicants are agriculturists who have lost their lands in the acquisition. They are running from pillar to post for seeking enhancement of compensation. This Court is the last hope and the delay is not inordinate or deliberate. It is submitted that these applicants are willing to waive the interest component on the enhanced compensation amount, if they succeed from the date of their application which is 16/02/2015, till the filing of the Civil Revision Application which 29/01/2018.

5. Though, the learned AGP has opposed this application on the ground of passage of five years from the date of the award, I am inclined to entertain this proceeding keeping in view that the applicants are willing to waive the interest component as recorded above.”

4. The question, whether the Special Land Acquisition Officer can refuse to forward the reference on the ground of non payment of court fees, has been considered by this Court on various occasions. Two such orders have been placed on record. In Civil

Application No. 12437 of 2017 in Civil Revision Application (Stamp) No. 31946 of 2017 and others, the learned Single Judge (M.S. Sonak, J.) has held that the reference has not been rejected on merits and putting the applicants to condition of not claiming interest, the orders can be set aside. In Civil Application No. 5552 of 2018 alongwith Civil Revision Application (Stamp) No. 10219 of 2018 the learned Single Judge (S.P. Deshmukh, J.) of this Court has observed thus:

“5. Although such a resistance is being put forth by learned AGP, it may have to be adverted to a decision of learned single judge of this court in the case of “Laxmibai Ganesh Parke and Others V/s State of Maharashtra and Others” reported in 2011 (5) Bom.C.R. 347, wherein it has been observed that special land acquisition officers and sub divisional officers are not empowered to reject applications filed by claimants, may be for non removal of deficiencies viz., payment of court fee, etc. and it is obligatory for the authority to forward applications of claimants to reference court.”

Thus, this Court has taken a view that the Special Land Acquisition Officer is not empowered to reject the application for non removal of deficiencies and it is obligatory on them to forward the reference to

the Reference Court. No contrary view is shown. In these circumstances, the Civil Revision Application will have to be allowed. The learned Counsel for the applicants, on instructions, makes a statement that the applicants will not claim any interest for the period of delay. Such a statement on affidavit be filed before the Reference Court.

5. Accordingly the Civil Revision Application is allowed in terms of prayer clause 'B'.

6. The applicants will take necessary steps within a period of four weeks.

7. The Deputy Collector-the concerned Special Land Acquisition Officer will take necessary steps as per law thereafter within a period of four weeks.

8. Order of this Court be informed to the concerned Deputy Collector-Special Land Acquisition Officer forthwith.

N.M. Jamdar, J.