

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10951 OF 2018
(Prabhakar s/o Pandurang Chatufale (died), through LR's Vs. The
State of Maharashtra and others)

Mr.M.U.Shelke, Advocate for the petitioners.
Mr.S.R.Yadav, AGP for respondent Nos. 1 to 3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 01/10/2018

PER COURT :

1. The petitioners are aggrieved by the order dated 10/11/2015 by which the Deputy Collector, Land Acquisition Manjra Project, Osmanabad has refused to make the reference of the proceedings to the L.A.R.Court u/s 18 of the Land Acquisition Act, 1894 only on the ground that court fees have not been deposited by this petitioners/applicants.

2. This Court has considered an identical situation in Shashikant Hanumant Mahamuni Vs. State of Maharashtra and others in WP No.7739/2017 decided on 14/09/2017 by which it is concluded that the revenue / acquisition authorities cannot refuse to forward the request of the project affected persons for enhancement of compensation u/s 18 to the L.A.R.Court on the condition that the

court fees have not been deposited.

3 Though the learned AGP has strenuously submitted on behalf of the respondents that the petitioner should have deposited the court fees and there was no impediment to deposit the same, I find that this aspect can be considered by the L.A.R. Court and can be dealt with appropriately.

4. In view of the above, this petition is partly allowed. The impugned order dated 10/11/2015 is quashed and set aside and respondent No.2 is therefore directed to forthwith refer the applications of these petitioners seeking enhancement of compensation u/s 18 to the concerned L.A.R. Court. The petitioners can deposit the court fees before the L.A.R. Court.

5. In so far as the delay from August 2006 to August 2018 of 12 years is concerned, the petitioners blamed their advocates by stating that court fees were deposited with him. He has pocketed the money and has done nothing in the matter. No action has been initiated against the concerned Advocate. I therefore find this to be a lame excuse put forth for self serving purposes. Consequentially, the L.A.R. Court would deal with this issue of 12 years delay and if it is

not convinced by the explanation put forth by these petitioners, it shall pass an order depriving the petitioners of the interest on the enhanced amount of compensation.

(Ravindra V.Ghuge, J.)

Kranti
Hansraj
Shekatkar

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