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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.350 OF 2017

Sachin G. Dabhade	...Applicant
V/s.	
S.L.A.O., Special Unit No.1, Pimpri, Pune	...Respondent

Mr.Nilesh M. Wable for the Applicant.

Mr.A.R. Patil, A.G.P. for the State – Respondent No.1.

Mr.Niranjan Mogre for the Respondent No.2.

CORAM : R.D. DHANUKA, J.
DATE : 13TH MARCH, 2018.

P.C. :-

1. By this Application filed under section 115 of the Code of Civil Procedure, 1908, the applicant has impugned the order dated 9th February, 2016 passed by the respondent, dismissing the application dated 28th November, 2015 filed by the applicant under section 18 of the Land Acquisition Act *inter-alia* praying for making a reference to the Reference Court. It is the case of the applicant that pursuant to the order dated 20th January, 2016 passed by the Division Bench of this Court in Writ Petition No.505 of 2016, the respondent was directed to consider the application of the applicant. It is the case of the applicant that the applicant produced certain documents before

the respondent.

2. A perusal of the order dated 9th February, 2016 passed by the learned Land Acquisition Officer indicates that the Land Acquisition Officer has instead of referring the claim of the applicant to the Reference Court has decided the claim of the applicant on merits. In my view, the learned Land Acquisition Officer could not have decided the merits of the matter, as to whether the applicant would be at all entitled to make any claim in the land in question or not. The learned Land Acquisition Officer has exceeded his powers provided under section 18 of the Land Acquisition Act while rejecting the application filed by the applicant.

3. The impugned order passed by the respondent is accordingly set aside. The application filed by the applicant is allowed. It is not in dispute that the reference is already made under section 30 of the Land Acquisition Act on the application of the applicant to the Civil Court in Land Acquisition Reference No.8 of 2017.

4. In my view, since the reference under section 30 is already made to the Civil Court on the application made by the applicant, the respondent is directed to make a reference under section 18 of the Land Acquisition Act to be heard along with reference under section 30.

5. If any application is made by the applicant for impleadment of the applicant to the pending application under section 30 before the Civil Court, the State Government is directed to include the name of the applicant in the pending reference under section 30.

6. It is made clear that this Court has not expressed any views on merits whether the applicant will have any claim in the property acquired in question or not and the same shall be decided on its own merits.

7. Interim relief granted by the Division Bench of this Court on 20th January, 2016 in Writ Petition No.505 of 2016 and continued by this Court, to continue till the reference under section 18 and 30 are decided.

8. The Civil Revision Application is disposed of in aforesaid terms. No order as to costs.

9. All the parties to act on the authenticated copy of this.

(R.D. DHANUKA, J.)