

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.604 OF 2017

Shrish Yashwant Bhatlawande	..	Applicant
Vs.		
State of Maharashtra & Ors.	..	Respondents

Mr.V.S.Deokar for the applicant.
Mr.A.R. Patil, AGP for the respondent nos.1 & 2.
Mr.Abhijeet Joshi for the respondent no.3.

CORAM : R.D. DHANUKA, J.
DATE : 20th March 2018

P.C.:

. Rule. Learned AGP appearing for the respondent nos.1 and 2 waives service. Mr.Joshi, learned counsel appearing for the respondent no.3 waives service. By consent of parties, the applicant is heard finally forthwith.

2. By this application filed under Section 115 of the Civil Procedure Code, 1908, the applicant has impugned the order dated 14th November 2013 (Exhibit 'G' to the application) passed by the respondent no.2 rejecting the application filed by the applicant to make a reference to the reference Court under Section 18 of the Land Acquisition Act.

3. A perusal of the order passed by the respondent no.2 indicates that the learned Special Land Acquisition Officer (SLAO) instead of referring the matter to the reference Court, has himself decided the application on merits and has rejected the application filed by the applicant.

4. In my view, the SLAO could not have decided the application for making a reference to the reference Court under Section 18 of the said Act on merits of the claim made by the applicant.

5. I therefore pass the following order :-

- (i) The impugned order thus passed by the respondent no.2 on 14th November 2013 is accordingly set aside.
- (ii) The application made by the applicant for making a reference to the reference Court is allowed.
- (iii) The respondent no.2 is directed to make a reference to the reference Court on application made by the applicant within four weeks from today.
- (iv) Rule is made absolute in aforesaid terms. No order as to costs.
- (v) It is made clear that this Court has not expressed any views on the issue whether the petitioner is entitled for enhancement of the claim on merits.
- (vi) All contentions on merits as well as entitlement of the applicant including issue of limitation are kept open.
- (vii) Parties to act on the authenticated copy of this order.

R.D. DHANUKA, J.