

wp.7034.19 (99)

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

WRIT PETITION NO.7034 OF 2019

Reshmabai w/o Ankushrao Gaikwad

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr P.V. Suryawanshi, Advocate for petitioner

Mr S.B. Yawalkar, A.G.P. for respondents no.1 and 2

**CORAM : S.V. GANGAPURWALA AND
ANIL S. KILOR, JJ.****DATE : 30.09.2019****ORAL ORDER :**

1. The learned Counsel for the petitioner submits that the petitioner had filed reference under Section 18 of the Land Acquisition Act, 1894 on 17.6.2010 with the office of the Special Land Acquisition Officer. The Court fees of Rs.4515/- was also deposited. The reference is not referred to the District Court.
2. On the last date, we had asked the learned A.G.P. to take instructions about the reference filed by the petitioner. The learned A.G.P., on instructions submits that the office of the respondents could not trace out the file or copy of the reference filed by the petitioner.
3. The petitioner has placed on record the copy of the application filed by the petitioner on 17.6.2010. It bears the endorsement of the office of the Special Land Acquisition Officer, Jaikwadi Project-2, Aurangabad. The endorsement also says that 'received Court fees stamp in time', The application shows deposit of Court fees of Rs.4,515/-.

4. As the respondent comes with the case that file of the petitioner is not traceable, the petitioner also slept over his rights for nine long years and approached the Court after nine years.
5. Considering the fact that Section 18 of the Land Acquisition Act is a beneficial provision, we pass the following order.
6. The respondents shall reconstruct the application filed by the petitioner. The petitioner shall co-operate in providing the necessary papers of which he had filed with the Special Land Acquisition Officer. After reconstructing the file, the respondent shall refer the same to the concerned District Court.
7. The petitioner shall appear before the respondent-authority on 10.10.2019 and shall submit the copies of the papers, which he had earlier submitted for reconstruction of the file. The respondents shall reconstruct the file within four weeks thereafter and refer the same to the concerned District Court within eight weeks thereafter.
8. In case the reference Court allows the reference for enhancement, the reference Court shall consider whether to grant statutory benefits for all these years considering the laxity on the part of the petitioner on its own merits.
9. Writ Petition stands disposed of. No costs.

(ANIL S. KILOR, J.)

(S.V. GANGAPURWALA, J.)