

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 229 OF 2017

CHANDRAKANT ANANDRAO CHEDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
LAND ACQUISITION MEDIUM PROJECT NO. 2 AND OTHERS

...
Mr. E.S. Murge, Advocate for applicant
Mr. S.N. Kendre, AGP for respondent-State
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 23-01-2019

ORDER :

1. Heard learned counsel for appearing parties.
2. Learned counsel for petitioner states that the factual situation in present civil revision application is identical with factual situation as involved in civil revision application (st.) no. 6083 of 2018 decided by learned Hon'ble Single Judge of this court on 22-12-2018.
3. Learned Assistant Government Pleader though purports to resist the request made under civil revision application, is not in a position to question veracity of contentions in respect of factual position.

4. Learned Hon'ble Single Judge has observed in order dated 12-12-2018 in paragraphs no. 2 and 3 thereof, as under,

" 2. The applicants have challenged the order passed by the Deputy Collector (Land Acquisition), Osmanabad dated 31 March 2016. By this order, the Deputy Collector has rejected the Land Acquisition Reference made by the applicants under section 18 of the Land Acquisition Act on the ground that court fees have not been paid. This issue is covered by the decision of the learned Single Judge of this Court in the case of Laxmibai w/o Ganesh Parke and others Vs. State of Maharashtra and others¹ wherein this Court has held that the Special Land Acquisition officer has no authority to reject the application on the ground of non-deposit of court fees. In the decision of Laxmi, the learned Single Judge has set aside the order and directed the Collector to make a reference to the Civil Court.

3. Accordingly, the civil revision application is allowed in the following terms. The respondent no.1 is directed to make Reference to the Civil Court within a period of four weeks from the date of receipt of this order. The Court fees shall be paid by the applicants herein within a period of three months from the date of receipt of reference from the Collector/Special Land Acquisition Officer. It is made clear that unless such compliance is made the Reference shall not be registered. "

5. The situation, to quite some extent, appears would be governed by aforesaid order dated 22-12-2018.

6. In view of the same, for the reasons which had weighed with learned Hon'ble Single Judge in civil revision application (stamp) no. 6083 of 2018, present civil revision application as well, in the scenario, deserves similar treatment.

7. Having regard to aforesaid, civil revision application, for aforesaid reasons, is allowed in terms of prayer clause (B) and is disposed of with the same conditions, as appearing in paragraph no. 3 of aforesaid order dated 22-12-2018.

[SUNIL P. DESHMUKH]
JUDGE

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