

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

WRIT PETITION NO.9801 OF 2018

NAMAJI GANGADHAR CHANDIWALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Shri Agrawal Pavankumar S..
AGP for Respondents 1 and 2 : Shri S.R.Yadav.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 07th January, 2019

Per Court:

1 The Petitioner is aggrieved by the order passed by the Special Land Acquisition Officer dated 21.10.2005, which is challenged by filing this writ petition on 03.10.2017, which is registered in 2018.

2 The grievance is that the impugned order has led to the conclusion of litigation in the Land Acquisition Reference Case preferred by the Petitioner for seeking enhancement of compensation under Section 18 of the Land Acquisition Act, 1894.

3 There is no dispute that the award granting compensation was delivered on 14.08.1998. The Petitioner has received the notice with regard to the said compensation amount on 01.08.2000. He moved his application for seeking reference for enhancement on 31.08.2000, which

is within the prescribed limitation of six weeks under Section 18(2) of the said Act.

4 It is settled law that the Special Land Acquisition Officer or the District Collector does not have the authority to refuse to make a reference of the proceedings for enhancement on the ground that the court fees have not been deposited. So also, the record reveals that the deficit court fees of Rs.6000/- were deposited by the Petitioner on 19.07.2006.

5 It, however, appears from the record that after the court fees were deposited by the Petitioner, he has not officially enquired as regards the fate of his reference proceedings. He woke up in July, 2017, though it is contended that he had orally made enquiries with his Advocate and with the office as well. The fact remains that the Petitioner claims that he did not receive the copy of the impugned order dated 21.10.2005 and that there is no evidence to indicate that he was alert and diligent. In view of these facts, the State Exchequer cannot be burdened with the interest component from August, 2006 till July, 2017.

6 In view of the above, this Writ Petition is partly allowed. The impugned order dated 21.10.2005 is quashed and set aside. Respondent No.2 shall forthwith refer the case papers of the Petitioner to the LAR Court within eight weeks from today.

7 The LAR Court would decide the issue of enhancement on it's

own merits, unless there is any other legal impediment. The Petitioner shall not be entitled for interest on the enhanced amount, if granted, from August, 2006 till July, 2017.

8 An opportunity is granted to the Petitioner to remove all deficiencies in the LAR proceedings by suo moto approaching Respondent No.2 with THREE WEEKS from today so as to enable the said Respondent to comply with the above directions.

kps

(RAVINDRA V. GHUGE, J.)