

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.620/2019

Bhanudas S/o Parasram Bansod and others

..Vs..

State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.R. Charpe, Advocate for the petitioners.
Shri S.P. Deshpande, Addl. G.P. for the respondents.

CORAM : Z.A. HAQ, J.

DATE : 29.1.2019.

Heard.

The petitioners had filed an application seeking reference under Section 18 of the Land Acquisition Act, 1894 (for short “the Act of 1894”). This application was dismissed by the Special Land Acquisition Officer on 11th February, 2004 on the ground that the petitioners were estopped from seeking reference under Section 18 of the Act of 1894 as they had accepted the amount of compensation. According to the petitioners, they had made oral protest at the time of accepting the amount of compensation and oral protest by the claimants is recognized as held by this Court in the judgment given in the case of *Amol Rambhau Arjun V/s. State of Maharashtra and others* reported in **2000(4) Mh.L.J. 302**. It is further submitted that the Special Land Acquisition Officer could not have refused to make reference under Section 18 of the Act of 1894.

There is delay of about 15 years. According

to the petitioners, they were not informed about the order dated 11th February, 2004. The petitioners have not been able to justify the inordinate delay and laches on their part. In my view, it is not appropriate for this Court to exercise extraordinary jurisdiction to examine the legality of the claim which at this stage is a stale claim. Hence the writ petition is **dismissed**. No costs.

JUDGE

Tambaskar.