

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 CIVIL REVISION APPLICATION NO.227 OF 2017

SUVARNA W/O BHAGWAN UNDARE
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR/DY
COLLECTOR, LAND ACQUISITION MEDIUM PROJECT NO. 2,
OSMANABAD AND OTHERS

.....

Advocate for Petitioner : Mr. Balaji S. Shinde h/f
Mr. Murge Estling S.
AGP for Respondent Nos. 1 and 2-State : Mr. A. M. Phule
Advocate for Respondent No.3 : Mr. C. D. Biradar

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916 CIVIL REVISION APPLICATION NO. 228 OF 2017

SHRIKANT S/O ANANDRAO CHEDE
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR/DY
COLLECTOR, LAND ACQUISITION MEDIUM PROJECT NO. 2,
OSMANABAD AND OTHERS

.....

Advocate for Petitioner : Mr. Balaji S. Shinde h/f
Mr. Murge Estling S.
AGP for Respondent-State : Mr. A. B. Chate

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917 CIVIL REVISION APPLICATION NO. 230 OF 2017

MOHAN S/O BABURAO KAWADE
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR/DY
COLLECTOR, LAND ACQUISITION MEDIUM PROJECT NO. 2,
OSMANABAD AND OTHERS

.....

Advocate for Petitioner : Mr. Balaji S. Shinde h/f
Mr. Murge Estling S.
AGP for Respondent Nos. 1 and 3-State : Mr. K. B. Jadhavar
Advocate for Respondent No.2 : Mr. S. G. Sangle

918 CIVIL REVISION APPLICATION NO. 231 OF 2017

GAUTAM BABA KAWDE
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE
COLLECTOR/DY COLLECTOR, LAND ACQUISITION MEDIUM
PROJECT NO. 2, OSMANABAD AND OTHERS

.....

Advocate for Petitioner : Mr. Balaji S. Shinde h/f
Mr. Murge Estling S.
AGP for Respondent Nos. 1 and 2-State : Mr. A. B. Chate
Advocate for Respondent No.3 : Mr. S. G. Sangle

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CORAM : V. K. JADHAV, J.
DATED : 25th FEBRUARY, 2020

PER COURT:-

1. The learned counsel for the applicants undertakes to remove all the office objections, if any. The Civil Revision Applications are taken up for consideration.

2. The applicants have challenged the orders passed by the Deputy Collector (Land Acquisition), Osmanabad dated 11.04.2016, 02.04.2016 and 31.03.2016 respectively. By these orders, the Deputy Collector has rejected the Land Acquisition References made by the applications under Section 18 of the Land Acquisition Act on the ground that court fees has 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 v. State of Maharashtra and others* reported in 2011 (1) Mh.L.J. 500, 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 *Laxmibai*, 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 Applications are 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.

(V. K. JADHAV, J.)

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