

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

WRIT PETITION NO. 9821 2021

Mahaveer Waman Ghuge,
Age 46 years, Occ. Agriculturist
and Service, R/o. Andur, Tq.
Tulajpur.

... **Petitioner.**

VERSUS

1) The State of Maharashtra,
Through its District Collector,
Osmanabad Dist. Osmanabad.

2) The Special Land Acquisition Officer
& Sub Divisional officer, Osmanabad(1)
Manjara Project, Osmanabad Tq. &
Dist. Osmanabad.

... **Respondents.**

...

Advocate for the Petitioner : Mr. Jadhavar Shivprasad G.
A.G.P. for the Respondents/State : Mr. K.B. Jadhavar.

CORAM : MANGESH S. PATIL, J.
DATE : 06.09.2021.

ORAL JUDGMENT :

Heard. Rule. The Rule is made returnable forthwith. Learned A.G.P. waives service for both the respondents. At the request of the parties the matter is heard finally at the stage of admission.

2. The issue that needs to be addressed in this petition is as to whether the Special Land Acquisition Officer (S.L.A.O.) can refuse to transmit a Reference tendered to him under Section 18 of the Land Acquisition Act, 1894 for non payment of Court fees and for complying with the other requirement of furnishing copies of the documents etc.

3. The learned advocate for the petitioner cites the decision of this Court in the case of **Sambhaji Manaji Chate and another Vs. State of Maharashtra and another; 2003 (2) Mh.L.J. 661** which is subsequently relied upon in the

case of **Janardhan s/o Hanumantrao Patil @ Salunke and others Vs. State of Maharashtra and others; 2018 (4) Mh.L.J. 803.**

4. The learned A.G.P fairly concedes that the issue is squarely covered by these decisions. However, he further points out that apart from payment of court fees, even some documents were not produced as is clear from the notice.

5. I have considered the rival submissions and the papers as also the decisions cited at the Bar. Suffice for the purpose to observe that the S.L.A.O. is not entitled to refuse to transmit the Reference to the Civil Court merely on the ground of payment of court fees albeit he can pass conditional order.

6. However, apart from the payment of the court fees he has also called upon the petitioner to furnish some documents for being forwarded with the Reference.

7. The learned advocate for the petitioner submits that the petitioner would furnish all these documents to the S.L.A.O. on 05.10.2021.

8. The Writ Petition is allowed. The Petitioner shall now appear before the respondent No. 2 on 05.10.2021 and remove the objections/furnish the documents and thereupon the learned S.L.A.O. may send the Reference to the Civil Court. The petitioner is at liberty to pay the Court fees once the Reference is sent to the Civil Court. There shall be no need for the S.L.A.O. to issue any notice to the petitioner. Even if the petitioner does not present on that day the learned S.L.A.O. is at liberty to pass an appropriate order.

9. The Rule is made absolute in above terms.

(MANGESH S. PATIL, J.)

mkd/-