

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4901 OF 2022

ARJUN ANNA PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANR.

WITH
WRIT PETITION NO.4902 OF 2022

WITH
WRIT PETITION NO.4903 OF 2022

WITH
WRIT PETITION NO.4904 OF 2022

WITH
WRIT PETITION NO.4905 OF 2022

WITH
WRIT PETITION NO.4906 OF 2022

WITH
WRIT PETITION NO.4907 OF 2022

WITH
WRIT PETITION NO.4908 OF 2022

WITH
WRIT PETITION NO.4966 OF 2022

WITH
WRIT PETITION NO.4967 OF 2022

WITH
WRIT PETITION NO.4971 OF 2022

WITH
WRIT PETITION NO.4972 OF 2022

WITH
WRIT PETITION NO.4973 OF 2022

WITH
WRIT PETITION NO.4974 OF 2022

WITH
WRIT PETITION NO.4975 OF 2022

WITH
WRIT PETITION NO.4984 OF 2022

WITH
WRIT PETITION NO.4985 OF 2022

WITH
WRIT PETITION NO.4996 OF 2022

WITH
WRIT PETITION NO.4997 OF 2022

...
 Advocate for Petitioner : Mr. Abhijit S. More
 AGP for Respondents: Mr. P.G. Borade
 ...

CORAM : MANGESH S. PATIL, J.

DATE : 14.07.2022

PER COURT :

These are the peculiar matters which demonstrate apathy at the government offices which are in charge of the acquisition of the lands.

2. References are refused to be forwarded to the reference court by the Special Land Acquisition Officer by the communication under challenge solely on the ground of failure of the claimants who are the petitioners herein to pay necessary court fees.

3. Needless to state that a land acquisition officer under the Land Acquisition Act, 1894 cannot act like a civil court. If at all he has objection regarding non payment of court fees he is supposed to forward the reference with a rider. Incidentally a reference reaches the civil court which are also duty bound to scrutinize the matter and recover the court fees. However, in his enthusiasm the Land Acquisition Officer has refused to forward the references and the matters are laying at the same stage for decades. It was expected that the Special Land Acquisition Officers would act in terms of the law laid down by this court in the matter of **Sambhaji Manaji Chate and Anr. Vs. State of Maharashtra and Anr.; 2003 (2) Mh.L.J. 661.**

2. However, simultaneously the petitioners cannot be allowed to reap the benefit of the lapse to which even they have been party. They are approaching this Court after about 22 years of the impugned communication. Even they were responsible for the delays and cannot be allowed to take the benefit of their own wrong. It would be, therefore, appropriate that the orders of the SLAO are quashed and set aside with the direction to him to forward the reference however, simultaneously, the petitioners need to be made to forgo the monitory benefits which they otherwise would have been entitled to, for the intervening period of around 22 years.

3. The Writ Petitions are allowed and the impugned order/communications are quashed and set aside with a condition that the petitioners shall not be entitled to claim any monitory benefit for the period since 15.07.2000 till 28.03.2022. The SLAO shall now promptly forward the references to the Reference Court.

(MANGESH S. PATIL, J.)

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