

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

WRIT PETITION NO.10659 OF 2022

Bapurao Popatrao Toradmal
Age : 63 years, Occu : Agri,
R/o. Bhandewadi, Tq. Karjat,
Dist. Ahmednagar

.. Petitioner

Versus

1. The State of Maharashtra
through the Collector, Ahmednagar.
2. Special Land Acquisiton Officer No.1
District Collector Office,
Ahmednagar

.. Respondents

...
AND

WRIT PETITION NO.10705 OF 2022

Mahadu Nivarutti Shinde
Age : 62 years, Occu : Agri,
R/o. Bhandewadi, Tq. Karjat,
Dist. Ahmednagar

.. Petitioner

Versus

1. The State of Maharashtra
Through the Collector, Ahmednagar
2. Special Land Acquisition Officer No.1,
District Collector Office,
Ahmednagar.

.. Respondents

...
AND

WRIT PETITION NO.10790 OF 2022

Ratnakar Ganpat Changan
Age : 63 years, Occu : Agri,
R/o. Bhandewadi, Tal. Karjat,
Dist. Ahmednagar

.. Petitioner

Versus

1. The State of Maharashtra
Through the Collector, Ahmednagar

2. Special Land Acquisition Officer No.1,
District Collector Office,
Ahmednagar. .. Respondents

...
AND

WRIT PETITION NO.10788 OF 2022

Sushilabai Janardhan Pathade
Age : 63 years, Occu : Agri,
R/o. Bhandewadi, Tal. Karjat,
Dist. Ahmednagar .. Petitioner

Versus

1. The State of Maharashtra
Through the Collector, Ahmednagar
2. Special Land Acquisition Officer No.1,
District Collector Office,
Ahmednagar. .. Respondents

...
AND

WRIT PETITION NO.10789 OF 2022

Pratap Jagannath Gurjar
Age : 53 years, Occu : Agri,
R/o. Bhandewadi, Tal. Karjat,
Dist. Ahmednagar .. Petitioner

Versus

1. The State of Maharashtra
Through the Collector, Ahmednagar
2. Special Land Acquisition Officer No.1,
District Collector Office,
Ahmednagar. .. Respondents

...
In all the matters:

Mr. Sambhaji B. Tarde, Advocate for the Petitioner
Mr. K.N. Lokhande, AGP for the Respondent – State

...

CORAM : SANDEEP V. MARNE, J.

DATE : 14-10-2022

ORAL JUDGMENT :

. Some of the matters are not on Board. At the request of the learned Counsel for the petitioners, those are taken on Board.

2. Heard. Rule. It is made returnable forthwith. The learned AGP Mr. K.N. Lokhande waives notice on behalf of the respondent – State in all the matters. At the joint request of the learned Counsel for the parties, the matter is heard finally at the stage of admission.

3. By the present petitions, the petitioners have challenged the communication dated 20.10.2018 of Dy. Collector Land Acquisition No.1, Ahmednagar rejecting the petitioners application for making a reference under Section 18 of the Land Acquisition Act on the ground of non payment of court fees. Though the petitions appear to be *prima facie* barred by delay and latches, the law with regard to power of the Land Acquisition Officer to reject application made under Section 18 for reference appears to be well settled. In **Laxmibai Ganesh Parke and Others vs. State of Maharashtra and Others** [2011 (1) Mh.L.J. 500], **Sambhaji Manaji Chate and another vs. State of Maharashtra and another**, [2003 (2) Mh.L.J. 661] and

Janardhan Hanumantrao Patil @ Salunke and others vs. State of Maharashtra and others [2018 (4) Mh.L.J. 803], it has been held that the application for making reference cannot be rejected for the reason of non payment of court fees. The petitioners have the option of paying court fees in the reference Court as well. The issue in the present petitions is thus squarely covered by the aforesaid decisions of this Court.

4. Consequently, the communication dated 20.10.2018 of the Dy. Collector of Land Acquisition No.1, Ahmednagar is set aside and he is directed to make a reference to the court within a period of three months from today. Needless to mention that the petitioners shall pay the requisite court fees before the reference Court and unless the court fees are paid, the reference would not be registered. With these directions, the writ petitions are allowed. Rule is made absolute.

(SANDEEP V. MARNE, J.)