

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2548 OF 2018

TRUSHA
TUSHAR
MOHITE

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Shri Bhagwan Kashinath Waghmode Petitioner

Vs.

The State of Maharashtra and Ors. Respondents

Mr.Gaurav Potnis i/b Ms.Pallavi Potnis for the Petitioner

Mr.R.P.Kadam, A.G.P. for the State

**CORAM: S.V.GANGAPURWALA &
VINAY JOSHI , JJ.**

DATED : MARCH 16, 2022

P.C.

. Heard.

2. The contention of the petitioner appears to be that he has filed reference under the Land Acquisition Act, 1894. The Collector has not referred it to the Civil Court as required under the said provision.

3. The learned A.G.P. on the basis of affidavit filed by Land Acquisition Officer No.3, Pune submits that reference filed by the petitioner under section 18 of the Land Acquisition Act, 1893 is delayed. In view of huge delay, Reference being not within limitation is not referred to.

4. Many aspects will have to be considered while deciding upon the limitation i.e. the service of notice under section 12(2) of the Land Acquisition Act and all other aspects. The Collector may refer the same to the District Court. The District Court certainly will take decision upon the issue of limitation. The Collector may make an endorsement about the limitation and may forward it to the District Court. The said exercise shall be done preferably within three months. Needless to state that the issue of limitation is kept open and the same may be considered by the District Court on its own merits.

5. Writ Petition stands disposed of. No order as to costs.

(VINAY JOSHI, J.)

(S.V.GANGAPURWALA, J.)