

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 7690 of 2018

Shobhatai W/o Ashokrao Hande
Age - 66, Occup. - House-hold,
R/o – MIG.-53, MHADA Coloy,
Sindhi(Meghe), Tah.-Wardha,
Dist. - Wardha.

.... Petitioner

.. Versus ..

(1) State of Maharashtra,
Through the Collector,
Wardha.

(2) The Special Land Acquisition Officer,
Vidarbha Irrigation Development
Corporation (VIDC), Near Collector Office,
Wardha.

(3) The Executive Engineer,
Vidarbha Irrigation Development
Corporation (VIDC), Wardha.

.... Respondents

.....
Mr. A. S. Dhore, Advocate for the petitioner
Ms. T. H. Khan, A.G.P. for respondents 1 and 2
Mrs. U. A. Patil, Advocate for respondent 3
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CORAM : ROHIT B. DEO, J.
DATED : 07-01-2022

ORAL ORDER

Rule. Rule made returnable forthwith.

2. With consent, the petition is finally heard at the admission stage.

3. The petitioner is aggrieved by the order dated 8-9-2016 rendered by the Special Land Acquisition Officer, V.I.D.C., Wardha whereby the said authority declined to refer the dispute qua the quantum of compensation to the Civil Court, as is mandated by Section 18 of the Land Acquisition Act, 1894 which provision is *pari materia* with Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. The authority has refused to refer the dispute on the premise that the request is time barred.

5. In my considered view, and in all fairness to learned counsel Mrs Ujwala Patil, there is no demur, it would be more appropriate if the question of limitation is left open, obviously along with other issues arising, for the Civil Court to decide in accordance with law.

6. The impugned order is set aside. The petition is allowed in terms of prayer clause (b) which reads thus :

(b) to direct respondents to refer the application dated 19.08.2017 (Annexure-D) filed by petitioner and refer the same U/Sec-18 of Land Acquisition Act, 1894 (Old Act) to Civil Court or to the Authority as provided in Section-64 of the Right to Fair

Compensation And Transparency In Land Acquisition,
Rehabilitation and resettlement Act, 2013 (New Act) as the case
may be for decision on merit in the interest of justice.

JUDGE

wasnik