

Nikita

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

CIVIL REVISION APPLICATION NO.253 OF 2021

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Date: 2023.10.06
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Hari Singh Narayan Singh Punjabi and

Ors.

... Applicants

V/s.

The Special Land Acquisition Officer and

Ors.

... Respondents

Mr. Sachin S. Punde, for the Applicant.

Ms. Tanaya Goswami, AGP for the State/Respondent.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 3, 2023

P.C.:

1. This is an application under Section 115 of Code of Civil Procedure, 1908, challenging order dated 4th August 2021, passed by the Collector in exercise of powers under Section 18 of Land Acquisition Act, 1894 refusing to make reference to the Court under Section 18 of the Land Acquisition Act, 1894.

2. The Collector refused to make reference observing that the claimants have accepted compensation amount from Official Assignee which is clear from the orders dated 19th December 2006, and 21st July 2010. The application under Section 18 is filed on 5th May 2014.

3. According to the applicant, the compensation amount is received by Official Assignee but the claimants have not received the amount.

4. This raises the question of fact, which needs to be decided by the District Court. Therefore, in the facts of the case, it would be in the interest of justice that the Collector is directed to make reference to the Court under Section 18 of the Land Acquisition Act, 1894 by keeping the question of limitation open. Hence following order:

a) Impugned order dated 4th August 2021 passed in Unit Case No.1/90 Boripakhadi annexed to the petition at Exhibit -A is quashed and set aside.

b) The respondent No.2 is directed to make a reference to the Court under Section 18 of the Land Acquisition Act, 1894.

c) It is made clear that the question of limitation in making reference is kept expressly open to be adjudicated by the Court.

5. The civil revision application stands disposed of.

(AMIT BORKAR, J.)