

**State Government through
Santosh Thite****...Vs...****Balaram Ganpat & Ors****ORDER BELOW EXH. 1**
(CNR No. MHTH02-003048-2017)

1] Perused the record. It shows that this reference has been registered on the basis of application given by the Land Acquisition Officer in respect of award passed in LAQ/SR NO.65/2008 dated 19.09.2013, as to the property situated at Moje Kharbav, Tal. Bhiwandi for JNPT for Goregaon railway project. The Land Acquisition Officer has specifically mentioned in his application that despite of notices, the land owners have not appeared before him to receive the compensation amount. Hence, as per the directions given by Hon'ble Bombay High Court in W.P. No. 1074/2015 and 1075/2015 dated 20.12.2016, he has submitted application dated 08.08.2017 to deposit the amount of compensation in a court where the reference under section 18 would be submitted.

2] After perusal of the record, it shows that the Land Acquisition Officer has sent this letter to this court only to deposit the amount in a court as per the directions of the Hon'ble Bombay High Court. Accordingly, the amount of Rs. 5,44,110/- is also deposited in the Court by C. No. 22 on dated 07.04.2018 relating to Award No. 65/2008. However, said amount is deposited in R.C.S. No. In fact, it is has to be deposited as per Award Number. Hence, that aspect has to be corrected here. Not only this, it is also reveals that inadvertently the said application has treated as a reference and

accordingly LAR No. 7/2017 is registered.

3] It is pertinent to note here that the LAR i.e. reference can be made to the reference court only when there is a dispute under section 18 and section 30 of Land Acquisition Act. In this matter there is no such reference nor the parties have made any objection. Under such circumstances, when there is no reference, unnecessary rather it can be said that inadvertently this application is treated as LAR No. 7/2017. Accordingly, the Land Acquisition Officer has submitted one letter dated 22.09.2021 to withdraw the said LAR. As a result, for the reasons stated supra and on the basis of withdrawal application given by the Land Acquisition officer, it is necessary to withdraw the LAR No. 7/2017. Hence, I proceed to pass following order.

ORDER

1. The LAR No. 7/2017 is hereby withdrawn and disposed off accordingly.
2. The applicants i.e. land owners have liberty to file application for withdrawal of the said amount before this court which will be decided as per its own merit.
3. The copy of this order be affixed in LAR disposal register as well as in payment register to avoid further complications.
4. The Nazir is hereby directed to mention the Award Number in place of RCS Number.

Sd/-

Thane
Date : 25.09.2021

(R. V. Bhakta)
Civil Judge, S.D. Thane.