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C.A.No. 7537 OF 2001
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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7537 OF 2001@@
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Pandurang S/o Ragho Bari

Appellant (s)

versus

The State of Maharashtra

Respondent (s)

O R D E R@@
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.SP2

Agriculture land belonging to the appellant was acquired under the Land Acquisition Act, (for short, 'the Act'). An award was passed on 29/12/1997. Notice under Section 12(2) of the Act was issued and the appellant received the same on 29.4.1998. Thereafter, he filed a reference application under Section 18 of the Act before the Collector seeking reference under Section 30 of the Act for enhanced compensation. That application was rejected by the Collector on the ground that it was delayed by a period of six days. Aggrieved by the said order, the appellant filed revision petition before the High Court. The High Court, by the impugned order, dismissed the revision petition. Being aggrieved by the order of the High Court, the appellant is before us.

We have heard learned counsel for both the parties.

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Learned counsel for the appellant contended that though a period of six weeks has been prescribed from the date of receipt of the notice under Section 12 of the Act to prefer a reference application under Section 18(2)(b) of the Act, the Land Acquisition Officer/Collector could have extended the period of limitation under Section 5 of the Limitation Act. Learned counsel drew our attention to the amendment made by the State of Maharashtra and in particular to sub-section (3) of Section 18 of the Act. The amendment is to the following effect:

.SP1

"Any order made by the Collector on an application under this section shall be subject to revision by the High Court, as if the Collector were a Court subordinate to the High Court within the meaning of Section 115 of the Code of Civil Procedure, 1908."

.SP2

In view of the above amendment, the argument before us is that the Collector has to be treated as a court and

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The Appeal is dismissed.

.SP1

.....J
(P.Venkatarama Reddi)

.PA

Versus

The State of MaharashtraRespondent (s)

(With Prayer for interim relief)

Dated: 21/01/2003 These appeals were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Appellant (s)Mr. S.M. Jadhav,Adv.
Mr. Himanshu Gupta,adv.

For Respondent (s)Mr.S.V. Deshpande,Adv.
Mr. S.S. Shinde,Adv.

UPON hearing counsel, the Court made the following
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.SP2

The appeal is dismissed in terms of the signed order.

.SP1

(Saroj Bala)
PA to Addl. Registrar

(Veera Verma)
Court Master

(The signed order is placed on the file