

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 462 OF 1999

Babuminya s/o Pashuminya,
Age : 42 years, Occu. Agri.,
R/o Sonkhed, Tal. Loha,
District Nanded

APPELLANT

VERSUS

1. The State of Maharashtra,
through Collector, Nanded
2. The Special Land Acquisition
Officer, B & C at Nanded
3. The Executive Engineer,
at Nanded

RESPONDENTS

AND

FIRST APPEAL NO. 463 OF 1999

Uttamrao s/o Pundlikrao More,
Age : 52 years, Occu. Agri.,
R/o Sonkhed, Taluka Loha,
District Nanded

APPELLANT

VERSUS

1. The State of Maharashtra,
through Collector, Nanded
2. The Special Land Acquisition
Officer, B & C at Nanded
3. The Executive Engineer,
at Nanded

RESPONDENTS

Mr. G.D. Kale, Advocate for the appellant
in both the appeals
Mr. S.P. Daund, A.G.P. for the respondent/State
in both the appeals

CORAM : M.T. JOSHI, J.
DATE : 19/01/2015

ORAL JUDGEMENT :

1. Heard both sides.
2. Upon hearing both sides, it has become clear that when the notice under section 12 of the Land Acquisition Act was served on the present appellants on 24th October, 1996, the copy of the award was not supplied to them. They applied for certified copy of the award on 3rd December, 1996. The certified copy was issued to them on 9th December, 1996. The applications for reference were filed on 14th December, 1996.
3. In the circumstances, in view of the reasons forwarded and the decision rendered by this Court in **First Appeal No. 407 of 2000** in the case of **"Rama Panda Dhade Vs. Madhavrao Rama Dhade and others"** vide judgement and order dated 8th January, 2015, the present appeals will have to be allowed and the matters need to

be remanded back, as the learned Civil Judge Senior Division has held that the reference applications filed on 14th December, 1996 would be beyond the limitation i.e. the period of six weeks from the date of receipt of the notice from the Collector under Section 12 of the Land Acquisition Act. However, in view of the decision of this Court in "**Rama Panda Dhade Vs. Madhavrao Rama Dhade and others**" (supra), it is hereby held that the reference applications, in the present case, were filed within the prescribed period of limitation. Hence, the following order :-

3. (a) Both first appeals are allowed without any order as to costs.

(b) The award of the learned Civil Judge Senior Division, Nanded, dated 29.12.1998 passed in Land Acquisition References No. 292/1997 and 294/1997 is hereby set aside. Instead, both the matters are remanded back to the learned Civil Judge Senior Division, Nanded, for deciding the Land Acquisition References afresh.

(c) Both the sides in both the matters are directed

to appear before the concerned Civil Judge Senior Division, Nanded on 26th February, 2015. The learned Civil Judge Senior Division is not required to issue fresh notice to the parties. The learned Civil Judge Senior Division shall hear the oral argument on merit of the case and pass the necessary common award in both the matters as per the due procedure of law.

(d) The appellants would cooperate in early disposal of the proceedings before the learned Civil Judge Senior Division.

(e) The learned Civil Judge Senior Division is requested to expedite the hearing in the matter and pass the award, in any case, within a period of three months from the date of appearance of the parties before him/her.

(f) The R & P be remitted back to the Court of learned Civil Judge Senior Division, Nanded.

[M.T. JOSHI]
JUDGE

