

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.1256 OF 2015
IN FIRST APPEAL NO.1554 OF 2014

UTTAM ANANTRAO PATAIT SINCE DECEASED THROUGH HIS
L.RS. DWARKABAI UTTAMRAO PATAIT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

--

Mr.D.R.Jayabhar, advocate for applicants
Mr.S.G.Sangle, AGP for respondent no.1
Mr.V.R.Sonwalkar, advocate for respondent no.2

--

WITH
FIRST APPEAL NO.1554 OF 2014

THE EXECUTIVE ENGINEER, MINOR DIV. AMBAJOGAI
VERSUS
UTTAM ANANTRAO PATAIT SINCE, DECEASED THROUGH HIS
LRS. AND ORS.

--

Mr.V.R.Sonwalkar, advocate for appellants
Mr.D.R.Jayabhar, advocate for respondent nos.1A
and 1B
Mr.S.G.Sangle, AGP for respondent no.2

--

CORAM : M.T. JOSHI, J.
DATE : FEBRUARY 17, 2015

PER COURT :

Heard both sides.

2] Both sides submit that instead of deciding present application, the appeal itself may be heard finally as, the only issue involved in the appeal is as to whether, the case is required to be remanded.

3] Hence, the appeal is taken up for final hearing.

4] Heard.

5] It is an admitted fact that without joining the acquiring body, the reference in the land acquisition proceedings was proceeded. Therefore, the acquiring body has filed present appeal.

6] In the circumstances, by consent of the parties, the following order is passed.

A] The impugned award is quashed and set aside. The case is remitted back to the concerned reference court for decision afresh.

B] After the matter is remitted, present appellant be joined as respondent.

C] Present respondents would be at liberty to file the written statement within four weeks from the date of appearance of the parties in the reference court. Thereafter, learned Judge of the reference Court is requested to make efforts for conclusion of the proceedings within a period of four months from the date of receipt of the Record and Proceedings to its office.

D] The parties are directed to appear in the concerned reference court on 30th March, 2015.

E] Liberty to lead further evidence to both the sides is hereby granted.

F] The appeal is, accordingly, allowed without any order as to costs.

G] Civil Application also stands disposed of.

[M.T. JOSHI, J.]

kbp