

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

3. CIVIL REVISION APPLICATION NO.259 OF 2015

Vithal S/o Shamrao Borulle,
Age: 52 years, Occu : Agril.
R/o Sonkhed, Tq. Nilanga,
Dist. Latur.

.. Petitioner.
(Orig. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Latur.
2. The Executive Engineer,
Minor Irrigation, Latur.

.. Respondents.

4. CIVIL REVISION APPLICATION NO.260 OF 2015

Suryabhan S/o Ganpati Solunke,
Age: 60 years, Occu: Agril.
R/o Sonkhed, Tq. Nilanga,
Dist. Latur.

.. Petitioner.
(Orig. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Latur.
2. The Executive Engineer,
Minor Irrigation, Latur.

.. Respondents.

5. CIVIL REVISION APPLICATION NO.261 OF 2015

Venkat S/o Apparao Pawar
Age: 44 years, Occu: Agril.
R/o Jamga, Tq. Nilanga,
Dist. Latur.

.. Petitioner.
(Orig. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Latur.
2. The Executive Engineer,
Minor Irrigation, Latur.

.. Respondents.

6. CIVIL REVISION APPLICATION NO.262 OF 2015

Pandurang S/o Laxman Belure,
Age: 60 years, Occu: Agril.
R/o Sonkhed, Tq. Nilanga,
Dist. Latur.

.. Petitioner.
(Orig. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Latur.
2. The Executive Engineer,
Minor Irrigation, Latur.

.. Respondents.

7. CIVIL REVISION APPLICATION NO.263 OF 2015

Rukhminbai W/o Daulatrao Patil,
Age: 70 years, Occu: Agril.
R/o Sonkhed, Tq. Nilanga,
Dist. Latur.

.. Petitioner.
(Orig. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Latur.
2. The Executive Engineer,
Minor Irrigation, Latur.

.. Respondents.

8. CIVIL REVISION APPLICATION NO.264 OF 2015

Sambhaji Hanmantrao (Patil) Solunke
Age: 40 years, Occu: Agril.
R/o Sonkhed, Tq. Nilanga,
Dist. Latur.

.. Petitioner.
(Orig. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Latur.
2. The Executive Engineer,
Minor Irrigation, Latur.

.. Respondents.

9. CIVIL REVISION APPLICATION NO.265 OF 2015

Pralhad S/o Shripati Solunke,
Age: 52 years, Occu: Agril.
R/o Sonkhed, Tq. Nilanga,
Dist. Latur.

.. Petitioner.
(Orig. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Latur.
2. The Executive Engineer,
Minor Irrigation, Latur.

.. Respondents.

10. CIVIL REVISION APPLICATION NO.266 OF 2015

Mallikarjun s/o Shivbasayya Swami,
Died through L.Rs.
Sanjay S/o Mallikarjun Swami,
Age: 40 years, Occu: Agril.
R/o Sonkhed, Tq. Nilanga,
Dist. Latur.

.. Petitioner.
(Orig. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Latur.

2. The Executive Engineer,
Minor Irrigation, Latur. .. **Respondents.**

11. CIVIL REVISION APPLICATION NO.267 OF 2015

Babruwan S/o Nivratti Salunke,
Age: 50 years, Occu: Agril.,
R/o Sonkhed, Tq. Nilanga,
Dist. Latur.

.. **Petitioner.**
(Orig. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Latur.
2. The Executive Engineer,
Minor Irrigation, Latur. .. **Respondents.**

12. CIVIL REVISION APPLICATION NO.268 OF 2015

Gundayya S/o Shivbasayya Swami,
Age: 68 years, Occu: Agril.,
R/o Sonkhed, Tq. Nilanga,
Dist. Latur.

.. **Petitioner.**
(Orig. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Latur.
2. The Executive Engineer,
Minor Irrigation, Latur. .. **Respondents.**

14. CIVIL REVISION APPLICATION NO.270 OF 2015

Kisangir S/o Ganeshgir Maharaj(Giri)
Age: 70 years, Occu: Agril.,
R/o Sonkhed, Tq. Nilanga,
Dist. Latur.

.. **Petitioner.**

(Orig. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Latur.
2. The Executive Engineer,
Minor Irrigation, Latur.

.. Respondents.

15. CIVIL REVISION APPLICATION NO.271 OF 2015

Dayanand S/o Shesharao Solunke
Age: 50 years, Occu: Agril.,
R/o Sonkhed, Tq. Nilanga,
Dist. Latur.

.. Petitioner.
(Orig. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Latur.
2. The Executive Engineer,
Minor Irrigation, Latur.

.. Respondents.

Shri. B.N. Patil, Advocate for applicant.

Shri. V.H. Dighe, Shri. S.Y. Mahajan, Mr. R.B. Bagul, Mr. G.O. Wattamwar, Mr. S.N. Morampalle, Mr. D.V. Tele, Assistant Government Pleaders, for respondent No.1 in respective matter.

Shri. S.C. Arora Advocate, for respondent No. 2

CORAM : T.V. NALAWADE, J.
DATED : 10th December, 2015.

JUDGMENT :

1. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2. The revisions are filed to challenge the judgments and awards of LAR Nos. 249, 250, 268, 253, 233, 237, 248, 236, 270, 234, 235, 252 of 2003 dated 9.6.2015 which were pending before the Reference Court i.e. Civil Judge, Senior Division, Nilanga. The Reference Court has dismissed the references as the claimants did not turn up to lead the evidence and to prosecute the matter. The learned counsel for petitioners submitted that the blame goes to advocate appearing before the Reference Court as he did not communicate to the petitioners that the matters were taken up for leading the evidence. He submitted that the judgment and award cannot be treated as award as no evidence at all is given. He placed reliance on the case decided by this Court reported as **2004 (1) Mh.L.J. 980 [Kawadu s/o. Madhav Bansod Vs. State of Maharashtra and Anr.]**.

3. On the other hand, the learned counsel for acquiring body submitted that the decision given in references filed under section 18 of the Land Acquisition Act can be challenged in appeal under section 54 of the Land Acquisition Act and so, the revisions are not tenable. In view of the aforesaid decision given

by this Court and the law laid down in that regard, this Court holds that the revisions are tenable. For giving opportunity to the petitioners to lead evidence, this Court holds that the decisions of the Reference Court need to be set aside and the matters need to be remanded back.

4. In the result, the revisions are allowed. The aforesaid judgments and awards of the Reference Court are hereby set aside. The matters are remanded back to the Reference Court for deciding it afresh, subject to condition that the claimants, owners are not entitled to get the interest from the date of award i.e. from 9.6.2010 till today and such statement is also made by the learned counsel for claimants. The Reference Court is to dispose of the references expeditiously and in an case, within four months from the date of receipt of this order. If the owners, claimants do not cooperate and no evidence is given, the Reference Court is at liberty to pass similar order.

[T.V. NALAWADE, J.]

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