

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**BENCH AT AURANGABAD**

**CIVIL REVISION APPLICATION NO. 169 OF 2014**

**BHAGWAN BAPU MALI DIED LRS RAMCHANDRA AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA**

...

Advocate for applicants : Mr. Shelke Manoj U.

AGP for Respondents: Mr. S. M. Jadhav

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**CORAM : S. V. GANGAPURWALA, J.**

**DATE : 1st September, 2015**

**PER COURT :**

1. Mr. Shelke, the learned counsel for the revision applicants submits that the reference filed by the present applicants under section 18 of the Land Acquisition Act is dismissed on the ground that no evidence is led. Learned counsel submits that proper opportunity to adduce evidence was not given. According to the learned counsel, the applicants had to adduce evidence but due to communication gap between advocate and the applicants, the applicants could not adduce evidence. One more opportunity be given to adduce evidence.
2. Leaned AGP submits that the ample opportunity was given to the applicants to adduce evidence, however the applicants did not avail the same. From the available record, the reference court had no option but to reject the reference.
3. I have considered submissions.

4. From the cause title, it appears that original claimant has died and revision is filed by the legal heirs of the deceased claimant. They are agriculturists and residing in rural village. Reason given by the learned counsel for the applicants can be accepted, considering the residence of the applicants and death of the original claimant. Considering the fact that their agricultural land has been acquired i.e. the only source of livelihood, I am inclined to grant one more opportunity to the applicants. However, the applicants would not claim statutory benefits during interregnum. The applicants agreed to waive the statutory benefits.

5. In the light of above, I pass following order:

#### **ORDER**

- i. The impugned order is quashed and set aside. The Land Acquisition Reference No.123/1994 is restored to its original position.
  - ii. The applicants shall appear before the Reference Court on 28th September, 2015. The parties are entitled to adduce evidence.
  - iii. The reference court shall decide the reference expeditiously, preferably within 9 months from the date of appearance.
  - iv. It is made clear that in case the reference court is inclined to enhance the compensation amount, the petitioner would not be entitled for statutory benefit from 22.02.2012 till 01.09.2015.
6. Civil Revision application is accordingly disposed of. No costs.

**( S. V. GANGAPURWALA, J. )**