

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

**CIVIL REVISION APPLICATION NO. 241 OF 2014**

Shrimant Ramchandra Bidwe .. Petitioner

**Versus**

The State of Maharashtra and another .. Respondents

**WITH  
CIVIL REVISION APPLICATION NO. 242 OF 2014**

Ratnappa Santram Gheware .. Petitioner

**Versus**

The State of Maharashtra and another .. Respondents

**WITH  
CIVIL REVISION APPLICATION NO. 243 OF 2014**

Subhash Santram Gheware .. Petitioner

**Versus**

The State of Maharashtra and another .. Respondents

Shri Manoj U. Shelke, Advocate for the Petitioner in all matters.  
Shri D. V. Tele, A.G.P. for Respondents/state in all matters.

**CORAM : S. V. GANGAPURWALA, J.  
DATE : 15TH SEPTEMBER, 2015.**

**PER COURT :**

. The present claimants being dissatisfied by the amount of compensation awarded by the Special Land Acquisition Officer filed references U/Sec. 18 of the Land Acquisition Act (for short "L.A. Act"). The said references are dismissed. Aggrieved thereby present civil revision applications.

2. Mr. Shelke, the learned counsel for the petitioner submits that, the proper opportunity to adduce evidence was not given. In absence of the evidence been led, the references have been dismissed. The learned counsel submits that, claimants are agriculturists residing in rural villages. There was communication gap between the advocate and the claimants. As such, the claimants could not appear before the Court to adduce the evidence. The learned counsel submits that, one more opportunity be given to the claimants to adduce the evidence.

3. The learned Assistant Government Pleader submits that, the claimants were not inclined and were not interested in prosecuting the proceedings. For the first time in the year 2006 right of claimants to adduce evidence was forfeited. Same was restored. Twice the right of claimants to adduce the evidence was forfeited. Ample opportunity is given to claimants. The claimants can not be allowed to take advantage of their own wrong. No error has been committed by the Reference Court.

4. I have considered the submissions and the judgment passed. There is no doubt that after 2006 the claimants have not prosecuted the matter diligently. For the first time in December 2006 right of the claimants to adduce evidence was forfeited. On their application filed, the petitioners were given right to adduce evidence, still thereafter the claimants did not adduce any evidence. It appears that, even claimants failed to pay the process fees for calling the file from the office of the Land Acquisition Officer. The matters are pending since twenty one years.

5. It is also fact that, agricultural lands of the claimants are acquired and claimants are agriculturists and residing in remote rural village. Therefore, I am inclined to grant one more opportunity to claimants. However, in case the Reference Court comes to the conclusion to enhance the compensation amount, then the claimants would not be entitled for the statutory benefits U/Sec. 34 and 28 of the L. A. Act from 07.12.2006 till the date of appearance of the parties before the Reference Court.

6. In the result I pass the following order.

7. The impugned order is quashed and set aside. The respective land acquisition references are restored to their original position. The parties shall appear before the Reference

Court on 12th October, 2015. In case the Reference Court comes to the conclusion to enhance the compensation amount, then the petitioners would not be entitled for statutory benefits U/Sec. 34 and 28 of the L. A. Act from 07.12.2006 till 12th October, 2015. The civil revision applications are accordingly disposed of.

8. Considering the fact that, the matters are remitted back, the Reference Court shall endeavour to decide the references expeditiously.

**[ S. V. GANGAPURWALA, J. ]**

bsb/Sept. 15