

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

CIVIL REVISION APPLICATION NO. 198 OF 2015

Ashok Eknath Toge and others .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri R. G. Hange, Advocate for Petitioners.

Shri A. M. Phule, A.G.P. for the Respondent No. 1.

Shri S. G. Bhalerao, Advocate for the Respondent No. 2.

WITH

CIVIL REVISION APPLICATION NO. 199 OF 2015

Babasaheb Sitaram Dethe .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri R. G. Hange, Advocate for the Petitioner.

Shri S. P. Deshmukh, A.G.P. for the Respondent No. 1.

Shri S. G. Bhalerao, Advocate for the Respondent No. 2.

WITH

CIVIL REVISION APPLICATION NO. 200 OF 2015

Haribhau Karbhari Toge .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri R. G. Hange, Advocate for the Petitioner.
Shri S. P. Sonpawale, A.G.P. for the Respondent No. 1.
Shri S. G. Bhalerao, Advocate for the Respondent No. 2.

CORAM : S. V. GANGAPURWALA, J.
DATE : 19TH OCTOBER, 2015.

PER COURT :

. Mr. Hange, the learned counsel submits that, the references filed by present petitioners U/Sec. 18 of the Land Acquisition Act (for the sake of brevity "L. A. Act") have been dismissed on the ground that the petitioners failed to adduce any evidence. The learned counsel submits that, even in absence of the petitioners the Reference Court is bound to consider all the material on record and then only arrive at specific conclusion. The learned counsel submits that, the petitioners are residing in rural village. They were relying on their advocate. They were not communicated about the dates for adducing evidence. As such, could not remain present. The agricultural lands of the petitioners are acquired. One more opportunity be given to the petitioners to adduce evidence.

2. Mr. Bhalerao, the learned counsel for the acquiring body and the learned Assistant Government Pleaders in respective matters oppose the petitions on the ground ample opportunity was given by the Reference Court, however, the petitioners failed to adduce any evidence. The petitioners cannot take the

advantage of their own wrong.

3. With the assistance of learned counsel for respective parties, I have gone through the judgment. The references are filed in the year 2005. The same came to be dismissed in the year 2009. It is stated that, inspite of giving many chances the petitioners did not adduce the evidence.

4. Going through the cause title, it appears that, the petitioners are residents of remote rural village. They are agriculturists. Their agricultural lands i. e. only source of livelihood is acquired. Even it appears that, the petitioners are illiterate and they cannot even sign. Naturally, they would rely upon the advocate. Considering the aforesaid aspects of the matter, I am inclined to grant one more opportunity, however, the interest of the respondents also needs to be safeguarded. Equities can be adjusted by depriving the petitioners from the statutory benefits for the said period as is held by the Apex Court in the case of **Ramanlal Deochand Shah and another Vs. State of Maharashtra and another** reported in **2013 AIR SC 3452**.

5. In the result I pass the following order.

6. The impugned judgment and order passed by the Reference

Court is set aside. The land acquisition references are restored to their original position. The parties shall appear before the Reference Court on 18.11.2015. In case the Reference Court comes to the conclusion to enhance the compensation amount, then the claimants/petitioners are not entitled for the statutory benefits from July 2008 till 18th November, 2015. The copy of this order be sent to the concerned Reference Court. The civil revision applications are accordingly partly allowed. No costs.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15