

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

CIVIL REVISION APPLICATION ST. NO. 20910 OF 2014

Nilkanth Limbraj Rankhamb

Applicant...

VERSUS

The State of Maharashtra through District Collector,
Osmanabad & Anr.

Respondents..

.....

Mr P. B. Rakhunde, Advocate for the applicant
Mr Sonpawale, AGP for respondent/State

.....

ALONG WITH
CIVIL REVISION APPLICATION ST. NO. 33662 OF 2014

Ganpati s/o. Bhimrao Suryawanshi (died)
through LRS.

Applicant...

VERSUS

The State of Maharashtra through District Collector,
Osmanabad & Anr.

Respondents..

.....

Mr V. V. Ingale, Advocate for the applicants
Mr Sonpawale, AGP for respondent/State

.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : 23RD OCTOBER, 2015.

PER COURT:

. The present revision applicants had filed references under
section 18 of the Land Acquisition Act. The applicants failed to adduce

any evidence. The references are dismissed. Aggrieved thereby, the present revisions.

2. Mr. Rakhunde, learned Counsel for the applicants submits tht the applicants are agriculturists, residing in remote rural village. They were relying on their advocates, however, there was communication gap between Advocates and the claimants, as such, the applicants could not adduce evidence. According to the learned Counsel, agricultural lands of the applicants/claimants are acquired. One more opportunity be given to the claimants to prove their case.

3. Learned AGP so also Mr Bhosale, the learned counsel oppose the revision applications and submit that ample opportunity was given to the claimants however the claimants failed to avail the said opportunity. The claimants did not have any evidence to prove their claim, as such, did not adduce evidence. No error has been committed in this regard.

4. I have considered the submissions canvassed by the learned counsel for the respective parties.

5. It is a fact that the claimants/applicants are agriculturists. They are residing in remote rural villages and are rustic persons. Naturally, they would rely on the advocates for the communications. In many of the cases, advocate for the applicants/claimants was also absent on the dates of evidence.

6. Considering the aforesaid aspects of the matter, I am inclined to grant one more opportunity to the claimants. However, the claimants would not be entitled for the statutory benefits, in case the Reference Court comes to the conclusion to enhance the compensation amount. The same shall be in tune with the judgment of Apex Court in case of **Ramanlal Deochand Shah v. State of Maharashtra & Anr.,** reported in **AIR 2013 SC 3452**. In light of that I pass following order.

ORDER

- (i) The impugned judgment and orders are quashed and set aside.
- (ii) The respective land acquisition references are restored to their original position.
- (iii) The parties shall appear before the Reference Court on 22.11.2015.

- (iv) The parties are permitted to adduce evidence.
- (v) In case, the reference court comes to the conclusion to enhance the amount of compensation, in that case, the petitioners/claimants shall not be entitled for the statutory benefits for the delayed period i.e. from the date the references were dismissed, till 23th November, 2015.
- (vi) Civil Revision Applications are accordingly disposed of.
No costs.

[S. V. GANGAPURWALA, J.]

sgp