

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

FIRST APPEAL NO. 2550 OF 2015

Vishnu Bhagwan Patil,
Age : 38 Years, Occu. : Agril.,
R/o Malegaon Pimpri, Post Jarandi,
Tq. Soygaon, Dist. Aurangabad. .. Appellant

Versus

1. The Special Land Acquisition Officer,
No. 1, Jayakwadi Project,
Aurangabad.
2. The Executive Engineer,
Minor Irrigation Division (Local Sector),
Aurangabad. .. Respondents

**WITH
FIRST APPEAL NO. 2551 OF 2015**

Laxmibai Atmaram Patil,
Age : 52 Years, Occu. : Agril.,
R/o Malegaon Pimpri, Post Jarandi,
Tq. Soygaon, Dist. Aurangabad. .. Appellant

Versus

1. The Special Land Acquisition Officer,
No. 1, Jayakwadi Project,
Aurangabad.
2. The Executive Engineer,
Minor Irrigation Division (Local Sector),
Aurangabad. .. Respondents

**WITH
FIRST APPEAL NO. 2553 OF 2015**

Atmaram Vithal Patil,
Age : Major Years, Occu. : Agril.,
R/o Malegaon Pimpri, Post Jarandi,
Tq. Soygaon, Dist. Aurangabad. .. Appellant

Versus

1. The Special Land Acquisition Officer,
No. 1, Jayakwadi Project,
Aurangabad.
2. The Executive Engineer,
Minor Irrigation Division (Local Sector),
Aurangabad. .. Respondents

Shri Ajeet B. Kale, Advocate for the Appellant in all matters.
Shri S. M. Jadhav and Shri D. R. Korde, A.G.P. for
Respondents/State in all matters.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 06TH OCTOBER, 2015.**

ORAL JUDGMENT :-

. The present appellants had filed references under Section 18 of the Land Acquisition Act (for short "L. A. Act") being dissatisfied with the amount of compensation awarded by the Special Land Acquisition Officer (for short "S.L.A.O."). The said references are dismissed, as the appellants failed to adduce evidence.

2. Mr. Kale, the learned counsel for appellants submits that, the references were filed by the present appellants before the Collector. After the said references were forwarded to the Court, the Court did not issue any notice to the present appellants/original claimants as required U/Sec. 20 of the L. A. Act. Inter alia the appellants could not get the knowledge of the proceedings and the dates fixed by the Court for deciding the references. According to the learned counsel service of notice U/Sec 20 of the L. A. Act, is mandatory. In absence of the service of the said notice, claimants would not get the knowledge of the dates fixed by the Court. The learned counsel submits that, absence of the present appellants is due to the aforesaid ground and the absence is not intentional one. The learned counsel submits that, opportunity be given to the appellants to prove their case.

3. The learned Assistant Government Pleaders submit that, after references are filed by the claimants in the year, 2007, the claimants did not take care to get the knowledge of the further proceedings. It is also the duty of claimants to remain present in the Court and get knowledge of their proceedings. After following due procedure the references have been dismissed.

4. I have perused the roznama in L. A. R. No. 44 of 2007. The certified copy of the same is handed over across the bar. It

appears that, the reference petitions were filed through the advocate on 06.03.2007. The references being U/Sec. 18 of the L. A. Act are required to be filed before the Collector and the same are transmitted by the Collector to the Reference Court. Roznama no where shows notices being issued to the appellants and right since first date it shown that, the claimants and their advocates are absent. On 06.03.2007 also the order is passed below Exh. 1 issuing notice to the respondent on P.F. and the next date was fixed on 14.06.2007. As observed above, no notice was issued to appellants/claimants in the said references at any point of time, as it appears from the rozanama forwarded to this Court. Since the next date the roznama shows that, the claimants' advocate and claimants are absent.

5. In absence of any notice from the Court the claimants naturally would not be aware of the stage in the proceedings, as it is not an application to be presented in the Court. The said application U/Sec. 18 of the L. A. Act is to be presented before the Collector and the Collector after scrutinizing the same forwards it to the Court.

6. Be that as it may, the references are dismissed as evidence is not adduced. Considering the aforesaid conspectus of the matter, I am inclined to grant opportunity to the appellants to prove their case.

7. In the result, the impugned judgments and awards are quashed and set aside. Concerned Land Acquisition References are restored to their original position. The parties shall appear before the Reference Court on 16th November, 2015. The parties are entitled to adduce their evidence. As this Court has already specified the date of appearance, it would not be necessary for the Reference Court to issue fresh notices. Considering the fact that, the matters are remitted back, the Reference Court shall endeavour to dispose of the references expeditiously. First appeals are accordingly partly allowed. No costs.

Sd/-

[S. V. GANGAPURWALA, J.]