

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Civil Appellate Jurisdiction.**

CIVIL REVISION APPLICATION NO.214 OF 2015.
Alongwith
CIVIL REVISION APPLICATION NO.215 OF 2015.
CIVIL REVISION APPLICATION NO.216 OF 2015.

Putalabai Hanmantrao Mahamuni & Ors.

VERSUS

The State of Maharashtra.

Chandrakant Hamant Potdar.

VERSUS

The State of Maharashtra.

Kashinath Shamrao Mahamuni & Ors.

VERSUS

The State of Maharashtra.

Appearance =>

Mr. Manoj Shelke, Advocate for the Applicants.

Mr. D.V. Tele, Additional Government Pleader for Respondent –
State in C.R.A.No.214/15.

Mr. D.R. Korde, Additional Government Pleader for Respondent
– State in C.R.A.No.215/15.

Mr. S.M. Jadhav, Additional Government Pleader for
Respondent – State in C.R.A.No.216/15.

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

DATE : **8th October, 2015.**

Per Court :-

Being aggrieved by the compensation awarded by the Special Land Acquisition Officer, the present Applicants have filed Land Reference Applications under Section 18 of the Land Acquisition Act. Said Land Reference Applications were dismissed by the Reference Court on 19th November, 2013. Being aggrieved by the said Judgment and Award, present Civil Revision Applications are filed.

[2] Mr. Shelke, learned counsel for the Applicants submits that the Land Reference Applications were filed with the District Collector, Osmanabad, who transmitted the same to the Court. The Applicants have engaged Advocate from Osmanabad to represent them before the Court. In the year 2009, said Land Reference Applications were transferred to the Court at Omarga, District - Osmanabad. The Advocate engaged by the Applicants to represent them was practicing at Osmanabad. After the matters were transferred to the court at Omarga, the Applicants could not get the knowledge of the said proceedings. The Applicants are residing in the village.

[3] The learned counsel for the Applicants submits that the Applicants were not intimated about the date of hearing of the L.R.A., therefore, they could not adduce the evidence before the court.

[4] The learned Additional Government Pleader states that after filing of the L.R.A., the Applicants did not take any steps in prosecuting the said Land Reference Applications. No evidence was adduced by them before the Court. Accordingly, on the basis of

available record, the Reference Court has rightly decided these Land Reference Applications.

I have gone through the impugned Judgments.

[5] Initially the L.R.A were filed in the court at Osmanabad and subsequently, in the year 2009, said L.R.A. were transferred to the court at Omerga. The Judgment shows that, the Applicants were represented by Lawyer however, the Judgment nowhere records that Lawyer has attended the matter any point of time.

[6] Upon going through the cause title, it is apparent that the Applicants are rustic persons residing in remote village. They certainly rely upon the Advocate. It is also contended that, agricultural lands was the only source of their livelihood and same were acquired.

[7] Considering the aforesaid aspects of the matter, I am inclined to grant one more opportunity to the claimants. However, in case, Reference Court comes to the conclusion to enhance the compensation amount, then the claimants would not be entitled for the statutory benefits for the delayed period i.e. from 2009 till date. Same would be in tune of ratio laid down in case of **Ramanlal Deochand Shah V/s. The State of Maharashtra and others, reported in AIR 2013 S.C. 3452.**

[8] In the light of above, impugned Judgments and Awards are quashed and set aside. Matters are relegated before the Reference Court. Parties shall appear before the Reference Court on 16th November, 2015. Parties are entitled to adduce the evidence before the Court.

[9] In case, the Reference Court comes to the conclusion to enhance the compensation amount then in that case, the Applicants would not be entitled for statutory benefits, from June -2009 till 15th November, 2015.

[10] Civil Revision Application are disposed of accordingly. No costs.

(S.V. GANPURWALA, J.)