

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

3 CIVIL REVISION APPLICATION NO. 240 OF 2014

PANDURANG S/O NIVRUTI MAGAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR OSMANABAD

...

WITH

4 CIVIL REVISION APPLICATION NO. 204 OF 2015

UPENDRA MANOHAR JADHAV

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR OSMANABAD

...

WITH

5 CIVIL REVISION APPLICATION NO. 205 OF 2015

BALAJI SURESH SALUNKE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR OSMANABAD

AND OTHERS

...

WITH

6 CIVIL REVISION APPLICATION NO. 206 OF 2015

SHANKAR BHIMRAO SURYAWANSHI

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR OSMANABAD

WITH

26 CIVIL REVISION APPLICATION NO. 114 OF 2014

ABDULSAHEB BADESAHEB JEWALE DIED THROUGH LRS

AMINABEEABDULSAHEB JEWALE AND OTHER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH

27 CIVIL REVISION APPLICATION NO. 117 OF 2014

KIRAN MADHAVRAO THELE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for applicants : Mr.Ingale Vivekanand V.
AGP for Respondents-State: Mr. D. V.Tele, Mr. S. M.
Jadhav, Mr. D. R.Korde
Advocate for respondent No.3 in CRA-114/2014:
Mr. S. B. Bhosale

CORAM : S. V. GANGAPURWALA, J.

DATE : 29th September, 2015

PER COURT :

1. 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. Ingale, the learned counsel for the applicants submits that 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 may be given to the claimants to prove their case.

3. Learned AGP so also Mr. Bhosale, the learned counsel oppose the revision applications and submits 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 communication. In many of the cases, advocate of 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:

O R D E R

- 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 27.10.2015.
- 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 27th October, 2015.

vi. Civil Revision Applications are accordingly disposed of. No costs.

(S. V. GANGAPURWALA, J.)

JPC