

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 898 OF 2014

PRABHAKAR MAHEPATRAO DESHMUKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Appellants : Mr. Shelke Manoj U.
AGP for Respondent No.1: Mr. A.M. Phule
.....

CORAM : V. K. JADHAV, J.
DATED : 9th JUNE, 2016

PER COURT:-

1. Heard learned counsel for the appellants as well as the learned A.G.P. for the respondents.
2. Being aggrieved by the judgment and award dated 8.12.2011 passed by the learned Joint Civil Judge, Junior Division, Latur in L.A.R. No. 494 of 1990, thereby dismissing the reference proceeding for want of prosecution filed by the appellants under Section 18 r.w. 28(A) (3) of the Land Acquisition Act, 1894 on the ground that the appellants have failed to lead evidence, the appellants preferred this first appeal.
3. Learned counsel for the appellants has placed on record copy of order dated 26.4.2016 passed in civil revision application No. 196 of 2014 and other connected matters and also copy of order dated 15.9.2015 passed in civil revision application No. 241 of 2014 and other

connected matter by this Court, in similar set of facts. The learned A.G.P. fairly concedes this position.

4. In the light of above and for the reasons recorded in the order dated 26.4.2016 passed by this Court in civil revision application No. 196 of 2014 and other connected matters and order dated 15.9.2015 passed by this Court in civil revision application No. 241 of 2014 and other connected matters, I proceed to pass the following order:-

O R D E R

- I. The impugned order is quashed and set aside. The land acquisition reference is restored to its original position. The parties shall appear before the Reference Court on 7.7.2016. In case the Reference court comes to the conclusion to enhance the compensation amount, then the appellants would not be entitled for statutory benefits U/Sections 34 and 28 of the L.A. Act from 7.12.2006 till 7.7.2016.
- II. First appeal is accordingly disposed of.
- III. Considering the fact that the matter is remitted back, the Reference court shall endeavour to decide the Reference expeditiously.

(V. K. JADHAV, J.)