

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

Civil Revision Application No.168 of 2014

- 1) Hiralal Motilal Joshi,
Died through legal
representatives
- 1A) Nathibai W/o Hiralal Joshi,
Died through legal representatives:
- 1B) Bajranglal s/o Hiralal Joshi,
Age 65 years,
Occupation : Agriculture.
- 1C) Govind s/o Hiralal Joshi,
Age 54 years,
Occupation : Agriculture.
- 2) Shriniwas Motilal Joshi,
Died through legal representatives:
- 2A) Gopal s/o Shriniwas Joshi,
Age 54 years,
Occupation : Agriculture.
- 2B) Girdhar s/o Shriniwas Joshi,
Age 50 years,
Occupation: Agriculture.
- 3) Brijlal Madanlal Joshi,
Died through legal
representatives:
- 3A) Kalawati W/o Brijlal Joshi,
Age 60 years,
Occupation: Household.
- 3B) Vinay S/o Brijlal Joshi,
Age 33 years,
Occupation : Agriculture.

3C) Vishal S/o Brijlal Joshi,
Age 30 years,
Occupation: Agriculture.
All residents of Latur,
Taluka & District Latur.

.. **Applicants.**

Versus

* The State of Maharashtra
Through the Collector, Latur.

.. **Respondent.**

Shri. H.B. Nandagavale, Advocate, holding for Shri. V.G. Sakolkar, Advocate, for applicants.

Shri. S.D. Kaldade, Assistant Government Pleader, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 21st MARCH 2016

JUDGMENT:

1) Rule, rule made returnable forthwith. Heard both sides for final disposal by consent.

2) The revision is filed against the judgment and award of Land Acquisition Reference No.133/1989 which was pending in the Court of the Civil Judge, Senior Division, Latur. The reference was filed under section 18 of the Land Acquisition Act, 1894. The Reference Court

has dismissed the reference as no oral evidence was given and no documents were produced to substantiate the claim that the claimants are entitled to get compensation at higher rate. Learned counsel for the claimants, present applicants placed reliance on following two cases :-

- (1) 2004 (4) Bom. C.R. 495 (Kawadu Madhav Bansod v. State of Maharashtra (Nagpur Bench); and,
- (2) Civil Revision Application No.123 of 2012 (Balaji Keshav Aradwad v. The State of Maharashtra) decided on 29th June 2012 (Aurangabad Bench).

In view of the observations made in these cases this Court holds that the revision is tenable. This Court further holds that opportunity needs to be given to the claimants to lead evidence as under compulsory acquisition the land is acquired.

3) In the result, the revision is allowed. The judgment and order of the Reference Court is hereby set aside and the matter is remanded back to the reference Court. Parties to appear before the Reference Court on 30-4-2016. The Reference Court to dispose of the matter expeditiously and in any case within six months from the

date of receipt of the order. Record is to be immediately sent to the reference Court. Rule is made absolute in above terms.

Sd/-
(T.V. NALAWADE, J.)

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