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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO.272 OF 2015

Rashid Abdul Shaikh

APPELLANT

Age – 65 years, Occ – Agriculture

R/o Umardara, Taluka – Shirur anantpal,

District - Latur

VERSUS

- | | | |
|----|---|-------------|
| 1. | The State of Maharashtra
Through Collector, Latur | RESPONDENTS |
| 2. | The Special Land Acquisition Officer,
P.T. & I. T. Collector Office,
Latur | |
| 3. | The Executive Engineer,
Minor Irrigation, Local Sector,
Administrative Building, Latur
Taluka and District – Latur | |

WITH

CIVIL REVISION APPLICATION NO.273 OF 2015

Vasant Vishwanath Dhopare

APPELLANT

Age – 60 years, Occ – Agriculture

R/o Umardara, Taluka – Shirur anantpal,

District - Latur

VERSUS

- | | | |
|----|--|-------------|
| 1. | The State of Maharashtra
Through Collector, Latur | RESPONDENTS |
| 2. | The Special Land Acquisition Officer,
P.T. & I. T. Collector Office,
Latur | |
| 3. | The Executive Engineer,
Minor Irrigation, Local Sector,
Administrative Building, Latur | |

Taluka and District – Latur

.....
Mr. N. D. Kendre, Advocate for the applicants
Mr. D. R. Kode, AGP for respondent - State
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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 22nd FEBRUARY, 2016

ORAL JUDGMENT :

1. Heard learned advocate for the applicants and learned AGP for respondents - State.
2. Learned advocate for the applicants contends that although issues were framed on 11th October, 2103, there had been hiatus between the lawyer engaged by the applicants and the applicants. Under the circumstances, the land acquisition references appear to have gone unattended and the impugned order has been passed.
3. According to learned advocate, the order reflects that the court has cursorily considered the matters and has not dealt with the same as required by court. A passing reference has been made to that the documentary evidence on record is not sufficient to hold market value of the land as claimed by the applicants and that there are comparable sale instances on

record. Besides this, there is no further consideration by the court. As a matter of fact, the order ought to have depicted application of mind by referring to what are documents, what from document is being considered. He further submits that meagre compensation has been paid for very valuable lands and applicants are poor persons whose interest is under peril. He, as such, submits that a sympathetic and lenient view be taken in the matters, as has been taken by the court as can be gathered from decisions in case of *“Kuwadu Madhav Bansod Vs. State of Maharashtra and Another”* reported in 2004 (2) Mh.L.J. 503 and in case of *“Mukund Bhimrao Kalshetti V/s State of Maharashtra and Another”* reported in 2011 (1) ALL MR 825.

4. From perusal of the impugned order, it appears that there is no appreciation of the material on record as would be desired and further that the contention of learned advocate for the applicants that there was hiatus between the lawyer and the applicants, having gone unrebutted and undisputed, I deem it appropriate to follow the suit as in the cases referred to herein above.

5. In the circumstances, the civil revision applications stand allowed. The impugned order dated 6th November, 2015 passed

by civil judge, senior division, Nilanga in Land Acquisition References N.21 of 2012 and 22 of 2012 stand set aside. The matters are remitted to the land acquisition reference court for adjudication on merits and in accordance with law. The applicants are expected to co-operate for expeditious disposal of the land acquisition references in the right earnest. The applicants to appear before the land acquisition reference court on 15th March, 2016 and the land acquisition reference court to proceed with the adjudication of the references as expeditiously as possible, preferably within a period of six months from the date of receipt of writ of this order.

[SUNIL P. DESHMUKH, J.]