

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

CIVIL REVISION APPLICATION NO. 116 OF 2016

Smt. Jijabai w/o Nagu Murte,
Age: major, Occ: Household,
R/o: Murshadpur, Tq: Omerga,
Dist: Osmanabad

.....Applicant

versus

The State of Maharashtra,
Through the Collector,
Osmanabad.

..... Respondent

WITH
CIVIL REVISION APPLICATION NO. 117 OF 2016

Bhaskar Namdeo More,
Age: major, Occ: Agri.
R/o: Murshadpur, Tq: Omerga,
Dist: Osmanabad.

.....Applicant

versus

1. The State of Maharashtra,
through the Collector,
Osmanabad.

2. The District Rehabilitation officer,
Osmanabad.

.... Respondents

WITH
CIVIL REVISION APPLICATION NO. 118 OF 2016

Tukaram Rama More,
Age: major, Occ: Agri.,
R/o: Murshadpur, Tq: Omerga,

Dist: Osmanabad.

.....Applicant

versus

1. The State of Maharashtra,
through the Collector, Osmanabad.
2. The District Rehabilitation officer,
Osmanabad. Respondents

WITH

CIVIL REVISION APPLICATION NO. 119 OF 2016

Sheshrao Kishan Mali,
Age: major, Occ: Agri.,
R/o: Sastur, Tq: Omerga,
Dist: Osmanabad.

...Applicant

versus

1. The State of Maharashtra,
through the Collector, Osmanabad.
2. The Special Land Acquisition Officer,
Manjara Project, Osmanabad.Respondents

WITH

CIVIL REVISION APPLICATION NO. 120 OF 2016

Digambar s/o Sopan More,
Age: major, Occ: Agri.,
R/o: Murshadpur, Tq: Omerga,
Dist: Osmanabad.

.....Applicant

versus

1. The State of Maharashtra,
through the Collector, Osmanabad. Respondents

Mr. Shoyab Shaikh, Advocate for applicants

Mr. A.B. Basarkar, Assistant Government Pleader for respondents in Civil Revision Applications No. 116 and 117 OF 2016, and Mr. Y.G. Gujarathi, Assistant Government Pleader for respondents in Civil Revision Applications No. 118,119 and 120 of 2016.

CORAM : SUNIL P. DESHMUKH, J.
DATE : 24th October, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard learned counsel for parties finally, by consent.
2. Applicants are aggrieved by the rejection of their respective land acquisition references bearing numbers 1081 of 2009, 1072 of 2009, 1076 of 2009, 23 of 2008 and 1074 of 2009 by the reference court [Civil Judge, Senior Division, Omerga] for non placing on record any material evidencing and lending credence to the claims under the land acquisition reference, under judgments and orders dated 08-06-2010, 05-03-2011, 29-03-2012, and 05-03-2011 respectively.
3. Learned counsel for applicants refers to that these civil revision applications had got delayed, however, delay in filing the same has already been condoned.

4. Learned counsel for the applicants submits the applicants are the rustic villagers and due to their poor economic condition, it had been difficult for them to attend the court as they come from remote area lacking in communication and other facilities.

5. The land acquisition references came to be dismissed under order dated 08-06-2010 by civil judge, senior division, Omerga, primarily for the reason that the claims of the applicants could not be substantiated for want of leading evidence in the matters. Learned counsel has contended while land acquisition references had been lodged, it had been given to understand that after appearing in the land acquisition references, it will take some time for adjudication and that further progress in the matter would be communicated as and when required and thus the claimants had been under bonafide impression that they would be informed about progress in the matters. However, communication had not come to the applicants about stage of the land acquisition references and in the circumstances resulted into rejection of the same for want of evidence. It has been recorded by learned judge while

passing the order that references had been pending from a long time and from time to time had been transferred from one court to another and had been lastly assigned to him around 2009 and thereafter the matters appear to have progressed and under aforesaid order dated 08-06-2010 rejection has occurred. It appears that it is during this period of one year that the applicants could not make it to the court. Before that, the matters had been pending for about more than ten years. It is thereafter the applicants while they became aware had been before this court and delay appears to have been condoned.

6. Looking at aforesaid, the circumstances should receive their due. Though learned Assistant Government Pleaders appearing for respondents in respective matters have reservations about the contention being advanced, I deem it expedient to grant these civil revision applications since the matter relates to compensation in respect acquisition of immovable property and further the contention of the applicants, them coming from remote area lacking communication and transport facilities have not been disputed with any credible material. In such

circumstances, the applicants deserve an opportunity to go ahead with the land acquisition reference applications.

7. He further refers to quite a few orders which have been passed by this court in similar circumstances.

8. Learned counsel for applicants, on instructions, fairly states that his clients would not claim interest for the period from the date of dismissal of their land acquisition references till their appearance before the land acquisition reference court pursuant to this order, further stating that they would give evidence in right earnest.

9. In view of aforesaid, impugned orders are set aside. The land acquisition references are restored to their position as had been subsisting just before the dismissal order. The land acquisition references stand restored and may be disposed of within a period of six months. The applicants to appear before the land acquisition reference court on 25-11-2016. It may be noted, the applicants have waived interest for the period from the date of rejection of land acquisition references to the date of their appearance before reference court i.e. 25-11-2016.

10. The applicants – claimants shall deposit Rs. 2,500/- before the land acquisition reference court towards costs to be paid to respondent – State in each of the land acquisition references. Costs shall be deposited in the land acquisition reference court before 30-11-2016.

11. Rule made absolute in aforesaid terms. Civil revision applications stand disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd