

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
30 FIRST APPEAL NO. 4083 OF 2017

KISAN SOMALA JADHAV
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, PARBHANI
AND ORS

...

Advocate for Appellant : Mr. Kale Mahesh P.
Government Pleader for Respondents No. 1 and 2 :
Mr.A.B.Girase.
Advocate for Respondent No. 3 : Mrs. Shelke Sunita D.

CORAM : K. L. WADANE, J.

DATE : 18th December, 2017

ORDER:

1. With the consent of the parties, taken up for final hearing.
2. Heard Mr. Kale, learned counsel for the appellant, learned Govt. Pleader for respondent No. 1 and 2 and Mrs. Shelke learned counsel for the respondent No. 3/Acquiring Body.
3. Learned counsel for the appellant submits that initially appellant/claimant Kisan Somala Jadhav filed reference under section 18 of the Land Acquisition Act, however, it was dismissed. Against which the appellant has preferred Civil Revision Application No. 156 of 2015 and it was allowed on 19.03.2015 with direction that the present appellant is not entitled for the

statutory interest over the enhanced amount of compensation from 10.08.2010 till passing of the order on 19.03.2015. However, on perusal of the operative order passed by learned Civil Judge, Senior Division Gangakhed it appears that, the Reference Court has not followed the observations made in Civil Revision Application No. 156/2015, due to which incorrect calculations as to the amount of compensation is arrived.

4. Learned counsel for the acquiring body also has not disputed the legal position and the order passed in Civil Revision Application no. 156/2015, due to which the matter needs to be remanded to the Civil Judge Senior Division Gangakhed for modification in the order as per the directions given in Civil Revision Application No. 156/2015.

5. In view of the above the appeal is allowed.

6. Order passed by Civil Judge Senior Division Gangakhed in Land Acquisition Reference No. 972/1997 dated 25.08.2016 is set aside and matter is remanded back for disposal in accordance with law and in view of the observations made in Civil Revision Application No. 156/2015.

7. Parties are directed to appear before the Reference Court on 15.01.2018.

8. Learned Reference Court shall dispose of the matter within a period of six months after appearance of the parties.

9. First Appeal No. 4083/2017 is disposed of in above terms.

(K. L. WADANE, J.)

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