

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

REVIEW APPLICATION NO. 222 OF 2012
IN
WRIT PETITION NO. 1369 OF 2012

Sandu s/o Dattu Jadhav
Age: 38 yrs. Occ. Agri
r/o Adgaon, Tq. Bhokardan
Dist. Jalna

...Applicant

versus

1. The State of Maharashtra
Through its Secretary
Mantralaya, Mumbai.
2. The Land Acquisition Officer,
Land Record Office, Aurangabad.
3. The Collector,
Collector Office, Jalna.
4. The Tahsildar,
Tahsil Office, Bhokardan,
Tq. Bhopkardan, Dist. Jalna

...Respondent

...

Mr. Sandeep N. Lute, Advocate for applicant
Mr. S. K. Tambe, Assistant Government Pleader for
respondents

WITH
REVIEW APPLICATION NO. 243 OF 2012
IN
WRIT PETITION NO. 1380 OF 2012

Kaduba s/o Govinda Bhombe
Age: 65 yrs. Occ. Agri
R/o Adgaon, Tq. Bhokardan
Dist. Jalna

...Applicant

versus

1. The State of Maharashtra
Through its Secretary
Mantralaya, Mumbai.
2. The Land Acquisition Officer,
Land Record Office, Aurangabad.
3. The Collector,
Collector Office, Jalna.
4. The Tahsildar,
Tahsil Office, Bhokardan,
Tq. Bhopkardan, Dist. Jalna

...Respondents

...

Mr. Sandeep N. Lute, Advocate for applicant
Mr. S. K. Tambe, Assistant Government Pleader for
respondents

...

WITH
REVIEW APPLICATION NO. 244 OF 2012
IN
WRIT PETITION NO. 1363 OF 2012

Prabhakar s/o Dattatraya Dhuldhar
Age: 52 yrs. Occ. Agri
R/o Adgaon, Tq. Bhokardan
Dist. Jalna

...Applicant

versus

1. The State of Maharashtra
Through its Secretary
Mantralaya, Mumbai.

2. The Land Acquisition Officer,
Land Record Office, Aurangabad.
 3. The Collector,
Collector Office, Jalna.
 4. The Tahsildar,
Tahsil Office, Bhokrdan,
Tq. Bhopkardan, Dist. Jalna ...Respondents
- ...

Mr. Sandeep N. Lute, Advocate for applicant
Ms. S. S. Raut, Assistant Government Pleader for respondents

**CORAM : SUNIL P. DESHMUKH AND
SANGITRAO S. PATIL, JJ.**

DATE : 15th November, 2017

Oral Order :

1. Review of order dated 4th May, 2012 rejecting aforesaid writ petitions bearing nos. 1369 of 2012, 1380 of 2012 and 1363 of 2012, has been sought under present applications by original writ petitioners.

2. Learned Counsel for the applicants contends that their lands were acquired in 1975, however, entire amount of compensation awarded had not been paid. Grandfathers of

applicants had, therefore, in July, 1975 filed applications for payment of remaining part of awarded amount, but the same were not considered.

3. In the circumstances, petitioners-applicants had in 2011 made representations to the concerned authorities praying for payment of balance of award amount. The same had not been responded to and, as such, petitioners had been before this court under aforesaid writ petitions which were disposed of by common order passed on 4th May, 2012 of which review is sought.

4. Learned Counsel submits that the Court while disposing of writ petitions had not taken into account relevant aspects of the matter particularly award that had been passed in Land Acquisition proceedings and that grandfathers of petitioners had applied for payment of balance amount of compensation but same had not been paid. He, therefore, submits that lenient view be taken in the matter and respondents be directed to pay balance amount of compensation for lands acquired.

5. He submits that under order dated 4th May, 2012, relevant record had not been considered. According to him, contention of the petitioners that in 1975, letters were addressed by the petitioners' grandfathers to the authorities, stating that entire compensation had not been paid. He submits, court had considered that since 1975 petitioners had not been awarded entire compensation and, observed that in 2011 applications were made, there had been no explanation for long silence and inaction from 1975 to 2011.

6. While submissions as aforesaid have been advanced, learned Advocate has not been able to offer plausible explanation, if any, for inaction or lapse during such a long period of 36 years.

7. It appears that the court had while rejecting writ petitions in 2012, in fact, requested the State to ascertain whether the land acquisition record in respect of the applicants-petitioners payment of compensation of award amount pursuant to Land Acquisition Act is available, and the the State had expressed its inability to produce it, submitting that it pertains to the year of 1975.

8. In the circumstances, in the absence of any material on record in support of submissions by applicants and non-explanation for silence and inaction on their part for long time, we do not consider that any ground can be said to have been made out giving rise to review of order dated 4th May, 2012 and restore the writ petitions.

9. Review applications, as such, stand dismissed.

SANGITRAO S. PATIL
JUDGE

SUNIL P. DESHMUKH
JUDGE

Vdk