

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

CIVIL REVISION APPLICATION NO. 71 OF 2016

Shri Bhausahab Santosh Patil
Age 52 years, occupation :
Agriculture, Resident of Nagaon, .. Applicant / orig
Taluka Parola, District Jalgaon Claimant

versus

1. The State of Maharashtra,
Through the Collector Office,
Jalgaon, District Jalgaon
2. The Special Land Acquisition Officer,
Minor Irrigation Work, Jalgaon,
District Jalgaon
3. The Executive Engineer,
Local Sector, Golani Market, .. Respondents/Orig.
Jalgaon, District Jalgaon Respondents

Mr. Mukul S. Kulkarni, Advocate for applicant
Mr. S.W .Munde, Assistant Government Pleader for respondents

CORAM : SUNIL P. DESHMUKH, J.
DATE : 7th March, 2017

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard learned counsel for parties finally by consent.
2. This revision application has been moved, challenging order dated 02-05-2015 under which Court [Civil Judge, Senior Division, Amalner] dismissed land acquisition reference bearing No. 221 of 2012 filed by present applicant.

3. Mr. Kulkarni, learned counsel appearing for applicant, has referred to that it is a genuine reason that the applicant had not been aware of dates in the matter subsequent to date before *Lok Adalat* nor does it appear that applicant's lawyer had appeared in the proceedings after matter had been before *Lok Adalat* and it is in these circumstances, lapses had occurred which are neither intentional nor deliberate.

4. Mr. Kulkarni further states, on instructions that, the applicant may forgo interest for the period during 12-1-2015 to the lodging of present civil revision application i.e. 20-10-2015.

5. Shorn off other details, pertinent for consideration in the matter, are the dates after the claimant had filed his examination in chief on 21-08-2014. After couple of dates thereafter, the matter was moved before *Lok Adalat*, however, none of the parties appeared in *Lok Adalat*. Subsequent to the same, further proceeding, it appears, went ahead without being attended to on behalf of the present applicant-claimant. Although the reference court has made certain observations which are little caustic in nature, it may have to be considered that the applicant had been unaware of the proceedings after the date before *Lok Adalat*. In the circumstances, it would be expedient that the matter is restored to its position as had been

subsisting immediately before the impugned order passed on 02-05-2015 by Reference court dismissing the land acquisition reference.

6. It is being submitted that other claimants in their land acquisition reference in respect of the same land acquisition notification have received benefits and got enhanced compensation.

7. It appears that the observations as are appearing in the impugned order are in the absence of prosecution of the matter on behalf of applicant.

8. Mr. Munde, learned Assistant Government Pleader for respondents though purports to oppose, yet looking at the facts and circumstances and in order to sub-serve interest of justice, it is deemed expedient to allow the application.

9. As such, impugned order dated 02-05-2015 passed by Reference Court [Civil Judge, Senior Division, Amalner) dismissing land acquisition reference bearing No. 221 of 2012 filed by present applicant stands set aside. Said land acquisition reference stands restored to the position as had been subsisting immediately before impugned order. Parties to appear before the reference court on 22-04-2017. While deciding the land

acquisition reference, the reference court would take into account that the claimant has waived interest for the period referred to hereinabove. The applicant-claimant shall bring said position to the notice of the reference court.

10. Civil revision application stands disposed of.
Rule made absolute in aforesaid terms.

SUNIL P. DESHMUKH,
JUDGE

pnd