

(1)

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

**CIVIL APPLICATION NO.16442 OF 2016
IN/WITH
CIVIL REVISION APPLICATION (ST.) NO.36851 OF 2016**

Govind Keshar Mangdhare,
Age : 48 years, Occ. Agri.,
R/o Rooi, Ta. Ahmedpur,
District Latur ..APPLICANT

VERSUS

1. The State of Maharashtra,
Through Collector,
Latur
2. The Executive Engineer,
Medium Project Division,
Nanded ..RESPONDENTS

Mr R.R. Suryawanshi, Advocate for applicant;
Mr C.V. Dharurkar, Asstt. Govt. Pleader for respondent no.1;
Mr V.C. Solshe, Advocate for respondent no.2

CORAM : N.W. SAMBRE, J.

DATE : 16th June, 2017

ORAL ORDER

Heard.

2. Delay of 2614 days caused in preferring Civil Revision Application is condoned and the revision is taken up for final disposal. Civil Application accordingly stands allowed.

(2)

3. Learned Counsel appearing on behalf of the applicant, upon instructions, makes a categorical statement that for the period from framing of the issues before the Reference Court till this date the applicant shall not claim any interest. The said statement is accepted as an undertaking.

4. In view thereof, the judgment and order dated 4th July, 2009, passed by Joint Civil Judge Senior Division, Ahmedpur, in Land Acquisition Reference No.91 of 2003 is hereby set aside. Land Acquisition Reference No.91 of 2003 stands restored to the file of Joint Civil Judge Senior Division, Ahmedpur, who shall decide the same afresh, in accordance with law, after giving an opportunity to the applicant to adduce evidence.

A further assurance of the learned Counsel for the applicant that the applicant shall not seek any adjournment in the matter and shall work out the same expeditiously is also accepted.

In case if the applicant or his lawyer fail to co-operate the learned Joint Civil Judge Senior Division, Ahmedpur, in deciding the aforesaid matter, the said Court will be at liberty to dismiss the same again.

Civil Revision Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj