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

CIVIL REVISION APPLICATION NO.60 OF 2019

1. Vitthal S/o Gyanba Mane,
Age 62 yrs., Occu. Agri.,
2. Vijaysinh S/o Vitthalrao Mane
Age 32 yrs., Occu/Agri.,
3. Ajitsinh S/o Vitthalrao Mane
Age 30 yrs., Occu/Agri.

The Applicants Nos.1 to 3 are
R/o Gaurgaon, Tq. Kallam,
Dist. Osmanabad

**= APPLICANTS
(Orig.Claimants)**

VERSUS

1. The State of Maharashtra,
Through, Collector, Osmanabad
2. The Special Land Acquisition Officer,
Medium Project No. (II),
Osmanabad
3. The Executive Engineer
Minor Irrigation (Local Sector)
Division, Osmanabad

= RESPONDENTS

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Shri Patil Nileshsingh J, Adv. for Appellants;
Shri KB Jadhavar, AGP for Respondents.

CORAM : P.R.BORA, J.
DATE : 27th March, 2019

ORAL JUDGMENT

1. Rule. Rule made returnable forthwith.
Heard learned counsel for parties finally, by
consent.

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2. Aggrieved by judgment and order dated 01-07-2016 passed by learned 3rd Jt. Civil Judge Senior Division, Osmanabad in land acquisition reference no. 841 of 2011, thereby dismissing the reference under section 18 of the Land Acquisition Act, 1894, filed by them, the applicants are before this court.

3. The applicants are the owner and possessor of the land Gat no.167/1 admeasuring 1 H 30 Ares situated at Village Gaurgaon, Tq. Kallam, Dist. Osmanabad. The land came to be acquired for construction of percolation tank No.7 of village Gaurgaon. A notification under Section 4 of the Land Acquisition Act, 1894 (for short the Act) in that regard was published on 5th June, 2003 and Award under Section 11 came to be passed on 14th March, 2006.

4. According to the claimants, since meager compensation had been awarded while they had claimed compensation @ Rs.2,00,000/- per acre, they filed the Reference Application under Section 18 of the Act claiming enhancement in the amount of compensation.

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5. The Reference Application so filed by the claimants has been dismissed by the Reference Court mainly on the ground that neither the claimants entered into the witness box nor brought on record any evidence in support of their claim. In fact, the Reference Application could not have been dismissed by the Reference Court on the aforesaid ground. The learned counsel for the applicants refers and relies upon the decision of the Hon'ble Apex court in the case of Dhiraj Singh (Dead) through legal representatives and Ors. Vs. State of Haryana and Ors. - (2014) 14 SCC 127 and more particularly invited my attention to paragraphs 14, 15 and 16 thereof. The learned counsel submits that while condoning the delay, this Court has already dis-entitled the claimants from claiming interest of the period of delay on the enhanced amount of compensation.

6. In view of the submissions made, as aforesaid, though learned AGP resists, the resistance would have little efficacy.

7. Having regard to the decision in the case

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of Dhiraj Singh (cited supra), it appears to me that the present civil revision application can be disposed of by directing the Reference Court to hear and decide the LAR No. 841/2011 on merits in accordance with law and the procedure.

8. In the result, following order is passed,

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ORDER

i. The Judgment and order passed on 1st July, 2016 in LAR No.841/2011 is quashed and set aside.

ii. LAR No.841/2011 stands restored with the Reference Court.

iii. The Reference Court shall decide the Reference Application afresh by giving due opportunity to the parties to adduce necessary evidence on their behalf, as expeditiously as possible and preferably within a period of one year.

iv. The parties shall cooperate for

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expeditious disposal of the Reference Application.

v. It is clarified that the claimants shall not be entitled for the interest for the period of delay, i.e. 477 days occurred in filing the Revision Application by them, as has been ordered by this Court in CA No.2509/2018 decided on 25th March, 2019.

vi. Civil Revision Application stands allowed in the aforesaid terms. Rule made absolute accordingly.

(P.R.BORA)
JUDGE

bdv/