

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9450 OF 2019

GUNDERAO HANMANT PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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WITH

955 WRIT PETITION NO.9451 OF 2019

VITHAL RAMRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH

956 WRIT PETITION NO.9452 OF 2019

PRABHAKAR NAGNATH ZAMBARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

957 WRIT PETITION NO.9453 OF 2019

KALYAN HANMANT PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Shri Dharashive M.L.
AGPs for Respondents: Shri Bhagat N.T.,
Shri Yadav S.R. and Shri Tiwari S.P.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 2, 2019

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PER COURT :-

1. In all these matters, the petitioners / agriculturists are

aggrieved by the identical orders, dated 27.11.2014 and 25.9.2014, by which LAR Nos. 1346, 1349, 1366 and 1348 of 2002 were returned to the authorities by the LAR Court as the petitioners and their Advocates were consistently absent and not participating in the proceedings. They did not lead evidence and the LAR Court, therefore, returned the references to the office of the Land Acquisition Officer, Osmanabad.

2. The learned AGP appearing on behalf of the respondents strenuously submits that, firstly, the petitioners have to suffer their own creation. They have been negligent and have ignored the proceedings from 2002 till 27.11.2014 and even thereafter, by moving these petitions in 2019. Secondly, the petitioners would now take advantage of their own wrongs as they would seek interest on enhanced compensation, if the matter is restored and they succeed.

3. The learned AGP is justified in making his submissions as recorded above. However, it cannot be ignored that these agriculturists are at the mercy of their Advocates. They have lost their lands in a public project and are now litigating for enhancement in compensation under Section 18 of the Land Acquisition Act, 1894. If they are deprived of the interest component on the enhanced amount, if they succeed, the equities would be balanced and there

would not be unnecessary financial burden on the State Exchequer.

4. In view of the above, in the peculiar facts of this case, these petitions are partly allowed. The impugned orders dated 27.11.2014 and 25.9.2014 are quashed and set aside. Respondent No.3 is directed to return the LAR proceedings to the concerned Civil Court at Osmanabad, by restoring the said proceedings. The petitioners shall appear before the LAR Court at Osmanabad on 30.8.2019. They shall submit their list of witnesses forthwith and shall commence the recording of oral evidence. The LAR Court would endeavour to decide the proceedings as expeditiously as possible and preferably on/or before 31.3.2020. Adjournments on unreasonable grounds shall be refused by the Court.

5. In the event, the petitioners succeed in getting enhancement in compensation, they shall be deprived of the interest component from the first date on which they were expected to commence recording of oral evidence, till 2.8.2019. The trial Court would assess the date of commencement of recording of oral evidence from its records.

(RAVINDRA V. GHUGE, J.)

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