

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14363 OF 2018

VITTHALSINGH MAHASING (DIED) THROUGH LRS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. M.B. Ubale.
AGP for Respondent Nos. 1 to 3 : Mr. N.T. Bhagat.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 07th January, 2019.

PER COURT :

1. The petitioner is aggrieved by a single sentence order dated 15/09/2018, passed by the LAR Court in LAR No. 264/2010.

2. The petitioner had moved an application Exhibit 61, stating that his evidence was closed by order dated 27/07/2018. He was ignorant of the fact that the assessment of the fruit bearing trees was considered in the report submitted by the Taluka Agriculture Officer after the final award was delivered. The LAR Court ordered the closing of the evidence on 27/07/2018. Exhibit 61 was, therefore,

moved on 15/09/2018, praying for liberty to examine the Taluka Agricultural Officer.

2. The learned AGP appears on behalf of all the respondents and strenuously opposes this petition. It is contended that Exhibit 61 does not contain proper reasons. The proceedings are of the year 2010 and interest, if enhancement is granted, will have to be paid from the tax payers money.

3. I find that the LAR Court ordered the closing of evidence on 27/07/2018. Within two months, he realized that the Taluka Agricultural Officer had preferred an assessment report about the fruit bearing trees which was belatedly filed before the Land Acquisition Officer for the purpose of seeking enhancement of compensation. He had prayed for recalling the order so as to examine the said Taluka Agriculture Officer.

4. Considering the above, I find that as the petitioner had moved Exhibit 61 within six weeks, from the date of the order, it cannot be said that he has caused an inordinate delay. He

does not derive any advantage since his proceedings seeking enhancement of compensation are pending from the year 2010. If there was an inordinate delay, he could have been deprived of the interest for that period.

5. In view of the above, this petition is allowed. The order dated 15/09/2018 is quashed and set aside. Application Exhibit 61 is allowed. The LAR Court shall issue a witness summons to the former Taluka Agriculture Officer Shri Shamlal Ratansing Chamwal on the address mentioned, within two weeks from today.

(RAVINDRA V. GHUGE, J.)

S.P.C.