

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2135 OF 2020

KISHOR BABULAL AJANDKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Latange V.P.
AGP for Respondent 1 : Shri Shinde A.S.
Advocate for Respondent 2 : Smt. Shelke Sunita

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 3, 2020

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PER COURT :-

1. In this matter, the petitioner has challenged the dismissal of his L.A.R. No.611 of 2014 (LAR No.98 of 2009 - Old), vide order dated 28.6.2018, pending under the Land Acquisition Act, 1894 (LA Act), for failing in leading evidence in the said matter. Though the impugned order, as mentioned in the prayer clause is passed in 2018, this petitions has been filed in January 2020.

2. The only issue involved in this case is that the petitioner failed to lead oral evidence and as a consequence, the L.A.R. Court refused to adjudicate upon the proceeding and by closing the said proceeding, returned the file to the L.A.O., Jalgaon.

3. The learned AGP and the learned Advocate appearing on

behalf of the acquiring body have drawn my attention to the similar matters having been dealt with by this Court in various orders. This Court has consistently taken a view that since poor agriculturists are involved in such matters, it would cause an irreparable harm and a serious prejudice to such agriculturists, if their proceedings are virtually dismissed in default. Such agriculturists were, therefore, deprived of the interest component from the date the proceedings were closed / dismissed.

4. In view of the above, this petition is partly allowed with the following directions:-

(A) The impugned order dated 28.6.2018 is quashed and set aside.

(B) All the litigating parties shall appear before the learned Civil Judge S.D. Jalgaon in the L.A.R. proceeding on 13.3.2020 and no formal notices are necessary.

(C) The petitioner shall tender his affidavit in lieu of examination in chief, on/or before 31.3.2020.

(D) The L.A.R. court shall then decide the said proceedings as expeditiously as possible and preferably on/or before 31.10.2020.

(E) The petitioner shall be deprived of the interest

component, if the amount of compensation is enhanced, from the date on which the proceeding was closed in June, 2018 till 1.3.2020.

(F) In the event the petitioner unnecessarily delays the proceeding and does not lead evidence as directed, the L.A.R. Court would be at liberty to pass appropriate orders.

(RAVINDRA V. GHUGE, J.)

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akl/d