

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2574 OF 2020
WITH WP/2575/2020 WITH WP/2576/2020
WITH WP(St)/3359/2020 WITH WP(St)/6995/2020,
WITH WP(St)/7000/2020 AND WP(St)/7002/2020

BHAGWAN RAMA BARLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Shri Naiknavare Ramesh V.
AGP for Respondents 1 & 2 : Shri Shinde A.S.
Advocate for Respondent 3 : Shri Rajale G.B.

...
CORAM : RAVINDRA V. GHUGE, J.
Dated: February 24, 2020
...

PER COURT :-

1. Writ Petitions (St) Nos. 3359/2020, 6995/2020, 7000/2020 and 7002/2020 are not on board. By the consent of the parties the said matters are taken on board.

2. In all these matters, the petitioners have challenged the dismissal of their L.A.R. proceedings under the Land Acquisition Act, 1894 (LA Act), for failing in leading evidence in the said matters. Though the impugned orders, as mentioned in the prayer clauses are passed in 2015, these petitions have been filed in January 2020.

3. The only issue involved in these cases is that these petitioners

failed to lead oral evidence and as a consequence, the L.A.R. Court refused to adjudicate upon the proceedings and by closing the said proceedings, returned the file to the L.A.O., Osmanabad.

4. 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.

5. In all these matters, the impugned orders are dated 3.10.2015 / 5.10.2015 / 6.10.2015 / 14.10.2015.

6. In view of the above, these petitions are partly allowed with the following directions:-

(A) The impugned orders are quashed and set aside.

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

(C) Each of the applicants in these proceedings shall tender their affidavits 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) Each of these petitioners shall be deprived of the interest component, if the amount of compensation is enhanced, from the date on which the proceedings were closed in October, 2015, till 1.3.2020.

(F) In the event these petitioners unnecessarily delay the proceedings and do not lead evidence as directed, the L.A.R. Court would be at liberty to pass appropriate orders.

(RAVINDRA V. GHUGE, J.)

...