

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

918 WRIT PETITION NO.3572 OF 2020

NARSHING VITHOBA JAGTAP
VERSUS
THE STATE OF MAHARASHTRA, THROUGH COLLECTOR OSMANABAD,
DIST. OSMANABAD AND OTHER

...

920 WRIT PETITION NO.3582 OF 2020

SANGEETA MACHINDRA MANE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA, THROUGH COLLECTOR OSMANABAD,
DIST. OSMANABAD AND OTHER

...

921 WRIT PETITION NO.3583 OF 2020

MOHAN BALIRAM MANE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA, THROUGH COLLECTOR OSMANABAD,
DIST. OSMANABAD AND ORS..

...

923 WRIT PETITION NO.3596 OF 2020

SHARDABAI NARSU DHAS
VERSUS
THE STATE OF MAHARASHTRA, THROUGH COLLECTOR OSMANABAD,
DIST. OSMANABAD AND OTHER

...

WRIT PETITION NO.2320 OF 2020
(Not on the Board. Mentioned.)

KISHAN GUNDIPPA CHAUGULE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

WRIT PETITION NO.3617 OF 2020
(Not on the Board. Mentioned.)

SUDHAKARRAO VISHWANATH GUND AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Naiknavare Ramesh V.
Advocate for the Petitioners in WP/3617/20 : Shri R.V.Ghogare
AGP for Respondent 1 : Shri A.S.Shinde
Advocate for Respondents 2 and 3 : Shri S.W.Munde
Advocate for Respondent 2 in WP 3617/20 : Shri R.D.Raut
Advocate for Respondent 3 in WP 2320/20 : Shri M.N.Navandar

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 04th March, 2020

Per Court:

1 Writ Petition Nos.2320/2020 and 3617/2020 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 between 2012 to 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 advocates 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 07.09.2013, 07.09.2013, 10.12.2012, 05.10.2015, 22.08.2014, and 11.04.2013, respectively.

6 In view of the above, these Writ 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 23.03.2020 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 15.04.2020.
- (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 dates on which the proceedings were closed till 01.03.2020.
- (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.