

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

WRIT PETITION NO.15479 OF 2019

1] Annasaheb Ganpat Ghule
Age 35 years, Occu.Aгри.
R/o Ghule Galli, Washi,
Tal.Washi, Dist.Osmanabad.

2] Amol Ganpat Ghule
Age 32 years, Occu.Aгри.
R/o Ghule Galli, Washi,
Tal.Washi, Dist.Osmanabad.

.. PETITIONERS
[Orig.Non Applicant
in LAR No.911/2016]

VERSUS

1] The State of Maharashtra
Through the Sub Divisional Officer,
(Acquisition) Kallamb
Dist.Osmanabad.

2] Mainabai Gorakh Undre
Age: major, Occu.Aгри.
R/o Washi, Tal.Washi
Dist.Osmanabad.

3] Dashrath Vishwanath Ghule
Age: major, Occu.Aгри.
R/o Washi, Tal.Washi
Dist.Osmanabad.

4] Pandurang Tatyaba Ghule
Age: major, Occu.Aгри.
R/o Washi, Tal.Washi
Dist.Osmanabad.

.. RESPONDENTS.
[2 -Orig.Applicant Nos.1&2]
[4-Orig.Non-Applicant No.1]

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Shri Vikram S. Undre, Advocate for the petitioners
Shri K.B.Jadhavar,A.G.P for respondent no.1
Shri G.J.Kore, Advocate for respondent no.3.

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CORAM : MANGESH S. PATIL,J.

DATED : 09/08/2021.

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ORAL JUDGMENT :

Heard. Rule. Rule is made returnable forthwith. Learned Advocate Mr.Kore waives service for respondent no.3. With the consent of both the sides, the matter is heard finally at the stage of admission.

2] The petitioners who are the original non applicants in the Land Acquisition Reference are impugning the order passed on their Application (Exh.69) refusing to allow them amendment to be carried out in the Written Statement so as to describe the properties in dispute with reference to their old Survey numbers and new numbers.

3] After having heard both the sides, it transpires that the application of the petitioners has been rejected simply on the ground that the order regarding amendment sought by the petitioners on an earlier occasion on their Application (Exh.53) was not carried out and that even in the present application clear description of the old Survey numbers and the new numbers as also the extent of the lands have not been specifically mentioned/sought to be pleaded.

4] Since it is a matter of a Land Acquisition Reference, the description of the lands under acquisition is a matter which is of utmost importance.

Even if the parties are lax in coming with a specific pleading in respect of the numbers and extent of the lands the Civil Courts cannot be passive.

5] Rather, it would have been appropriate for the learned Judge to have called upon the petitioners to describe the properties in detail.

6] On the last date this Court by order dated 19/04/2021 had directed the learned advocate for the petitioners to submit such a chart giving entire description of the lands. Accordingly they have submitted such a chart.

7] Considering all the aforementioned facts and circumstances, it would be appropriate that the impugned order is quashed and set aside with a direction to the petitioners to submit a fresh application with the complete details/particulars of the lands as is mentioned in the chart submitted before this Court and solicit an amendment. The learned Civil Judge shall thereafter decide the application and shall not reject it only on the ground of want of description or for non compliance of the earlier order of amendment passed on the Application (Exh.53).

8] With this direction, the Writ Petition is allowed and disposed of.

9] The Rule is made absolute.

(MANGESH S. PATIL,J.)

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