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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9404 OF 2023

Bhagwan Babanrao More

PETITIONER

VERSUS

Special Land Acquisition Officer, Minor
Irrigation and Others

RESPONDENTS

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Mr. Paresh B. Patil (Borse) Advocate for the petitioner
Mr. P. N. Kutti, AGP for respondents - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 1st AUGUST, 2023

ORDER :

1. Petitioner – original claimant in Land Acquisition Reference Nos. 268 of 2010 and 455 of 2010 pending in the Court of learned Civil Judge, Senior Division, Chalisgaon, filed Civil Miscellaneous Application No.441 of 2022 before the District Court seeking transfer of both the Reference applications to the Court at Jalgaon. Rejection of the transfer application is impugned in the present petition.

2. The petitioner is a practicing advocate at Chalisgaon who has filed the two Reference applications seeking enhancement of compensation amount. He moved application under section 24 of

the Code of Civil Procedure before the learned Principal District Judge seeking transfer of both the Reference applications to Jalgaon, contending that the Reference Court at Chalisgaon is prejudiced and biased and has dismissed two similar Land Acquisition Reference applications.

3. Heard learned advocate for the petitioner and learned Assistant Government Pleader for the respondents. Perused the memo of the writ petition, documents annexed with it and the impugned order.

4. Learned advocate for the petitioner submits that the Bar at Chalisgaon has passed a resolution against the Presiding Officer of the Reference Court. He submits that the Reference Court at Chalisgaon is prejudiced against the petitioner and the same can be gathered from the fact that while allowing the adjournment applications filed by the petitioner costs are imposed. He further submits that similar reference, seeking enhancement of compensation are dismissed by the Reference Court at Chalisgaon. In this view of the matter, the learned Principal District Judge, Jalgaon ought to have allowed the application filed by the petitioner seeking transfer of proceedings under section 24 of the Civil Procedure Code.

5. Perusal of the record reveals that the two references, which are dismissed by the Reference Court at Chalisgaon, are dismissed on merits. Two adjournment applications filed by the petitioner are allowed by the Reference Court at Chalisgaon, by imposing costs, to be paid to the Legal Aid Services Authority. It appears from the record that the petitioner has failed to deposit the said cost .

6. The ground so raised by the petitioner seeking transfer of the matter, are not sufficient to transfer the reference proceedings. There is nothing on record to substantiate the grounds raised by the petitioner for transfer of the proceedings. Since the two Land Acquisition References of similarly situated claimants are dismissed on merit, that cannot be a ground to seek transfer of the proceedings from the Reference Court at Chalisgaon. Merely because cost is imposed on the petitioner, that by itself does not mean that the Reference Court is prejudiced against the petitioner. So also merely because the Bar at Chalisgaon has passed a resolution against the Reference Court that cannot be a ground to seek transfer of the proceedings.

7. Admittedly, both the reference are of the year 2010 and they are required to be decided expeditiously. In that view of the

matter, no fault can be found with the order passed by the Reference Court thereby imposing cost on the petitioner while granting adjournment.

8. Learned Principal District Judge has passed a well reasoned order considering the facts on the record and the submissions of the petitioner. Learned Principal District Judge has rightly recorded a finding that no case is made out by the petitioner for transfer of the Land Acquisition Reference proceedings. There is no illegality or perversity in the order impugned in the present petition. No case is made out by the petitioner to exercise extraordinary writ jurisdiction to cause interference in the impugned order. Writ petition, being devoid of merit, is dismissed.

[NITIN B. SURYAWANSHI]
JUDGE