



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 WRIT PETITION NO. 3878 OF 2024

Bhagwan Babanrao More

VERSUS

Spl Land Acquisition Officer And Others

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Advocate for the Petitioner : Mr. P.B. Patil (Borse)

AGP for Respondents 1 & 3 : Mr. N.D. Raje

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CORAM : ARUN R. PEDNEKER, J.

Dated : April 15, 2024

PER COURT :-

1. Heard the learned counsel for the petitioner.
2. By way of present writ petition, the petitioner is challenging the impugned order dated 4.4.2024 in LAR Nos. 268/2010 and 455/2010 passed by the learned Civil Judge, Senior Division, Chalisgaon, issuing show cause notice to the petitioner, who is an advocate and to Dr. Kamalnayan Uttamchand Sanghavi, the expert valuer of Horticulture, as to why criminal action should not be taken against them for perjury i.e. giving false evidence in the court of law and filing false documents for getting enhanced compensation for the acquired land.
3. The learned counsel for the petitioner submits that there was no evidence on record to show that there is deliberate falsification of the record by the petitioner and expert valuer and the action initiated by the Court under section 340 of the Criminal Procedure Code is drastic and the Court ought to have restrained himself from taking such action at the preliminary stage. The learned counsel submits that the Trial Court has prima facie wrongly held that expert valuer may not have physically inspected the fruit

trees on the spot and the panchanama is not in his hand writing. The learned counsel therefore submits that the enquiry u/s. 340 of the Cr.P.C. cannot be initiated against the petitioner and expert valuer at preliminary stage.

4. Issue notice to the respondents, returnable on 29.4.2024. The learned AGP appears for respondent Nos. 1 and 3. Hamdast allowed.

5. The learned AGP is directed to take necessary instructions and be ready on the next date.

6. The impugned order dated 4.4.2024 in LAR Nos. 268/2010 and 455/2010 passed by the learned Civil Judge, Senior Division, Chalisgaon is stayed till the next date.

7. It is clarified that there would be no automatic extension of this order and the parties be ready with the matter.

(ARUN R. PEDNEKER, J.)

ssc/