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45&48-WP-3476-2025 modified

This order is corrected pursuant to speaking to minutes order dated 21.03.2025.

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

45 WRIT PETITION NO. 3476 OF 2025

Pramodkumar Nandlal Jain

VERSUS

The State Of Maharashtra Through Secretary And Others
AND

48 WRIT PETITION NO. 3479 OF 2025

Pramodkumar Nandlal Jain

VERSUS

The State Of Maharashtra Through Secretary And Others

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Mr. Arun Hanumant Koralkar, Advocate for the Petitioner.

Mr. P. D. Patil, AGP for Respondent-State in WP/3476/2025.

Mr. K. B. Jadhavar, AGP for Respondent State in WP/3479/2025.

Mr. C. T. Jadhav, Advocate for Respondent No.4.

CORAM : KISHORE C. SANT, J.

DATE : 17th MARCH 2025

PC :-

1. Heard the learned Advocate for the parties.
2. Both these matters are against an order passed by the learned Reference Court dated 4th October 2023 dismissing the land acquisition reference of the petitioners for want of evidence. The learned Court in the impugned order observed that the present petitioners failed to

produce any evidence on record. Even earlier, no evidence order was passed. Applications were filed for setting aside those orders. It is thereafter, the orders were set aside subject to costs of Rs.500/-. The petitioners even failed to deposit that amount of costs and, therefore, the order was passed on 6th April 2023.

3. The learned Advocate for the petitioners submits that it is because of the communication gap between the petitioners and their Advocate, no steps could be taken in time and no evidence could be given. The petitioners are ready to undertake that henceforth they would prosecute the references and shall not seek any unnecessary adjournments. He relied upon the similar orders passed by this Court in Writ Petition No.15093 of 2023 dated 14th November 2024 and group of matters alongwith Writ Petition No.12795 of 2019 dated 17th January 2020.

4. The learned Advocate for the respondent-acquiring body vehemently opposed the application. He submits that, it was for the petitioners to prosecute the remedy vigilantly. Even when, no evidence order was passed, the petitioners failed to comply with the condition of deposit the amount of Rs.500/- and, therefore, their matters could not

be restored. He submits that petitioners do not deserve any relief from this Court and prays for rejection.

5. Considering that the petitioners have lost their property in acquisition. This Court is inclined to consider petitioner's submissions. However, at the same time, it is necessary to observe that on one hand, petitioners contend before the Court that it is their valuable rights to get the compensation at reasonable rate. On the other hand, they do not show due diligence while prosecuting the references. The litigation is handled in very casual manner. It is for such litigants to show by their actions that they take the litigation seriously. It is only then they can say that they should not be deprived of their valuable rights. When the Court deals with the proceeding, enormous amount, time and energy is spent on the litigation. Most of the time it is the Government machinery and the court machinery whose valuable time it taken. Though the petitioners submits that it is their valuable time, they bothered the least and it is only when the petitions are dismissed in default, petitioners are trying to gather the sympathy from the Court.

6. This Court though aware that the person should not be deprived from their valuable rights. In such cases, proper course is to put on the petitioner to impose some costs so as to make and realize the importance of the Court and Government machinery's time. Petitioner is directed to pay costs of Rs.10,000/- in each petition, to be paid to the District Legal Aid Services Authority, Jalgaon within three weeks from today. Subject to such deposit, the petition stands allowed in terms of prayer clause (B).

7. It is made clear that the petitioners shall not be entitled to receive any interest on enhanced amount of compensation from 4th October 2023 till restoration of the Land Acquisition Reference.

[KISHORE C. SANT, J.]