

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

**16 CRA NO. 66 OF 2016**

**DHAYANESHWAR S/O MAROTRAO SARJE  
AND ANR.**

**VERSUS**

**THE STATE OF MAHARASHTRA  
THROUGH COLLECTOR NANDED,  
DIST NANDED AND ORS.**

**WITH**

**17 CRA NO. 67 OF 2016**

**PARUBAI W/O SHANKAR KADAM  
(PATIL)**

**VERSUS**

**THE STATE OF MAHARASHTRA  
THROUGH COLLECTOR NANDED  
DIST-NANDED AND ORS.**

**WITH**

**18 CRA NO. 68 OF 2016**

**PANDURANG S/O BAPURAO KADAM**

**VERSUS**

**THE STATE OF MAHARASHTRA  
THROUGH COLLECTOR NANDED  
DIST-NANDED AND ORS.**

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Mr. G.G.Suryawanshi, Advocate for Applicants.

Mr. S.P.Sonpawle, A.G.P. for R – 1.

Mr. B.R.Surwase, Advocate for R – 3.

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**CORAM : T.V.NALAWADE, J.**

**DATE : 4<sup>th</sup> JULY, 2016**

**ORAL ORDER :-**

. All the 3 matters are filed to challenge the decision given by the Reference Court in 3 separate References filed by the 3 applicants from the present 3 proceedings. Heard both sides.

2. The Reference Court had dismissed the References filed under the Land Acquisition Act as nobody turned up to give evidence and claims made were not substantiated. On the basis of the record viz. Award of the Special Land Acquisition Officer, the decisions are given. It is submitted that the decision can not be treated as Award. In support of this contention, reliance was placed on the decision given in C.R.A. No. 174 of 2014 with other connected matters.

3. In view of the aforesaid submissions, this Court holds that the applicants need to be given opportunity to contest the matters on merit.

4. In the result, all the 3 proceedings are allowed. The decisions of the Reference Court are set aside. The claimants will not be entitled to get interest in respect of the period for which the References were not pending before the Reference Court. The parties are to appear before the Reference Court on 30/08/2016. The Reference Court is to decide the matters within 6 months from the date of this order. If no interest is shown by the claimants to prosecute the matters, the References are liable to be dismissed and in that case this Court will not interfere in the decision given by the Reference Court. All the issues are kept open.

**[T.V.NALAWADE, J.]**