

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

FIRST APPEAL ST.NO. 7272 OF 2015

WITH

CA5023/2015, CA5024/2015 AND CA5025/2015

GODAVARI KHORE MARATHWADA
IRRIGATION DEVELOPMENT
CORPORATION THR ITS
EXE ENGINEER

...Appellant

VERSUS

SHREEPATI NAMA LOKHANDE
AND OTHERS

...Respondents

...

Advocate for Appellants : Deshpande Geeta L
Advocate for Resp. no.1 : Mr. D.R.Jaybhar
AGP for Respondents 2 and 3 : Mr. A.M.Phule

.....

**WITH CA/5020/2015 IN FAST/7276/2015 WITH
CA/5021/2015 IN FAST/7276/2015 WITH
CA/5022/2015 IN FAST/7276/2015 WITH
CA/5026/2015 IN FAST/7284/2015 WITH
CA/5027/2015 IN FAST/7284/2015 WITH
CA/5028/2015 IN FAST/7284/2015**

CORAM : K.L.WADANE, J.

DATED : 1st, September, 2017

O R D E R :

Heard learned counsel for the appellants
as well as the respondents.

2. From the record it appears that at the
time of disposal of Land Acquisition Reference the

acquiring body was not made party. Therefore, the acquiring body has filed these appeals against the award passed by the Reference Court under Section 18 of the Land Acquisition Act.

3. Smt. Deshpande, learned counsel submits that acquiring body was not party before the Reference Court. Learned counsel further submits that matters arising out of the same group have already been allowed and are remitted back to the Reference Court for fresh decision. Shri Jaybhar, learned counsel appearing for the claimants agrees to this fact.

4. In view of the fact that matters arising out of the same group have already been remitted to the Reference Court, it would be appropriate to follow the same course. In the result, the awards are quashed and set aside. The matters are remitted to the Reference Court for deciding the References afresh. The claimants shall add the present appellants as party to the said

References. The parties shall appear before the Reference Court on 6.11.2017. The Reference Court shall accord opportunity to the present appellants to file their written statement and further accord opportunity to all the parties to adduce their evidence and thereafter decide the References on their own merits.

5. In view of the fact that matters are remitted, the Reference Court shall expeditiously decide the said References. The appellants shall file their written statement within a period of one month from the date of appearance and thereafter, the Reference Court shall decide the References within six months. Appeals are accordingly disposed of. No costs.

6. In view of disposal of appeals, pending Civil Applications, if any, do not survive and stand disposed of.

(K.L.WADANE, J.)

dbm