

. Heard the learned counsel appearing for  
the appellants and the learned AGP appearing for

the respondent-State.

2. The land acquisition reference application filed by the present appellants has been dismissed by the Reference Court only on the ground that the appellants-claimants did not adduce any evidence in order to substantiate the claims raised by them. Apparently, the order passed by the Reference Court is unsustainable. The Reference Court could not have dismissed the reference application on the ground that no evidence has been placed by the claimants.

3. In the present appeal, the learned counsel appearing for the appellants has submitted that there was a communication gap between the claimants and the counsel who was appearing for claimants before the Reference Court and that was the reason that the reference application could not be properly attended to by the appellants-claimants.

4. Considering the facts as aforesaid, it appears to me that it would meet the ends of justice if the matter is remitted to the Reference Court to decide it afresh by giving due opportunity to the appellants-claimants to adduce necessary

(3)

evidence in support of the claim raised by them. It need not be stated that equal opportunity would be available for the respondents to rebut the evidence which may be adduced on behalf of the claimants and also to adduce the evidence on their behalf, if they so desire. In view of the above, the following order is passed:

**ORDER**

- i) The matter is remitted to the Reference Court with a direction to decide Land Acquisition Reference No.2274 of 2010 afresh by giving due opportunity to the appellants i.e. original claimants and the respondents in the matter.
- ii) The appellants-claimants shall appear before the Reference Court on 11.02.2019 and adduce necessary evidence on their behalf on the immediate next date, which may be fixed by the Reference Court in the matter.
- iii) The appeal stands allowed in the aforesaid terms.

**(P.R. BORA, J.)**