

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

WRIT PETITION NO.2040 OF 2021

PRAKASH KHANDU KACHRE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR NANDED AND ORS.

...
Advocate for Petitioner : Mr. Shivsamb N. Janakwade
AGP for Respondent/State : Mr. K.B. Jadhavar

...
AND
WRIT PETITION NO.2043 OF 2021

VENKATI ANKUSH BHAGNURE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR NANDED AND ORS.

...
Advocate for Petitioner : Mr. Shivsamb N. Janakwade
AGP for Respondent/State : Mr. PN. Kutti

...
AND
WRIT PETITION NO.2051 OF 2021

GANPATI SATWA WAGHMARE AND ORS.
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR BEED AND ORS.

...
Advocate for Petitioner : Mr. Shivsamb N. Janakwade
AGP for Respondent/State : Mr. PN. Kutti

...
AND
WRIT PETITION NO.2053 OF 2021

PARMESHWAR RAMCHANDRA KACHRE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR NANDED AND ORS.

...
Advocate for Petitioner : Mr. Shivsamb N. Janakwade
AGP for Respondent/State : Mr. PN. Kutti

...
AND
WRIT PETITION NO.2054 OF 2021

RAMCHANDRA KONDIBA KACHARE

VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR AND ORS.

...
Advocate for Petitioner : Mr. Shivsamb N. Janakwade
AGP for Respondent/State : Mr. PN. Kutti

...
AND
WRIT PETITION NO.2056 OF 2021

GOPAL BALAJI BHAGNURE
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

...
Advocate for Petitioner : Mr. Shivsamb N. Janakwade
AGP for Respondent/State : Mr. K.B. Jadhavar

...
AND
WRIT PETITION NO.2081 OF 2021

RAMESHWAR SHIVAJI BHAGNURE
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

...
Advocate for Petitioner : Mr. Shivsamb N. Janakwade
AGP for Respondent/State : Mr. K.B. Jadhavar

...
CORAM : MANGESH S. PATIL, J.

DATE : 25.10.2021

PER COURT :

The Writ Petitions are not on board. Taken on board on mentioning.

2. Heard the learned advocate Mr. Janakwade for the petitioners and the learned AGP for the respondent State. The respondent No. 3 has been duly served with the notice indicating that the matter would be heard finally at the stage of admission. But still it has not appeared. The petitioners are aggrieved by the dismissal of their respective references under the Land Acquisition Act preferred under Section 18 by the reference courts in default of prosecution.

3. It is trite that being a reference under Section 18 of the Land Acquisition Act, it is imperative for the reference court to decide it on merits. It is not expected of it to merely act as an umpire overlooking the matter. It is not expected that a reference is simply dismissed in default, may be for the lapses on the part of the claimant petition. He could have independently examined the award passed by the Land Acquisition Officer objectively. He has simply dismissed it for failure of the petitioners to lead evidence. This is not a correct approach. This court in number of cases has taken a specific stand and has remanded the matters to the reference courts for decision afresh on merits by putting the petitioners to certain conditions.

4. The Writ Petitions are allowed. The impugned judgments and orders are quashed and set aside. The references are remitted back to the reference courts for decision afresh on their own merits. The petitioners shall appear before the concerned reference courts on 15.11.2021. There shall be no need for the reference courts to issue any notice to them.

5. The petitioners shall tender their affidavit in lieu of examination in chief on the date of their appearance. The reference court thereafter shall proceed to conduct necessary hearing and decide the reference as early as possible.

6. However, the petitioners shall not be entitled to any interest from the date of dismissal of their respective references till 15.11.2021.

(MANGESH S. PATIL, J.)