

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

WRIT PETITION NO.509 OF 2021

Kailas Laxman Khatake,
Age : 45 years, Occ: Agri.
R/o. Pandharewadi,
Tq. Paranda, Dist. Osmanabad.

... **PETITIONER**
(Org. Claimant)

VERSUS

1. The State of Maharashtra
through Collector, Osmanabad.
2. The Executive Engineer
Medium Project,
P.B. No.2,
Division, Osmanabad

... **RESPONDENTS**

...
Advocate for the petitioner : Mr. Abhijit S. More
Advocate for Respondent /State : Mr. K.B. Jadhavar
Advocate for Respondent No.2 : Mr. Gulab B. Rajale
...

**WITH
WRIT PETITION NO.1430 OF 2021**

Pralhad Rama Tekale,
Died through L.R.s
Smt. Pushpabai Pralhad Tekale
Age : 70 years, Occ: Agri.
R/o. Kaodgaon, Tq. Paranda,
Dist. Osmanabad.

... **PETITIONER**
(Org. Claimant)

VERSUS

1. The State of Maharashtra
through the Collector, Osmanabad
2. The Special Land Acquisition Officer
M.I.W. Osmanabad, Head Quarter
Paranda, Dist. Osmanabad.

3. The Executive Engineer
Seena Kolegaon Project Division
Paranda, Tq. Paranda,
Dist. Osmanabad.

... **RESPONDENTS**
(Org. Respondents)

...

Advocate for the petitioner : Mr. Abhijit S. More
Advocate for Respondent /State : Mr. K.B. Jadhavar
Advocate for Respondent No.3 : Mr. Gulab B. Rajale

...

WITH
WRIT PETITION NO.519 OF 2021

Baburao Ramchandra Khatake,
Age : 50 years, Occ: Agri.
R/o. Pandharewadi,
Tq. Paranda, Dist. Osmanabad.

... **PETITIONER**

VERSUS

1. The State of Maharashtra
through Collector, Osmanabad
2. The Executive Engineer
Medium Project,
P.B. No.2,
Division, Osmanabad

... **RESPONDENTS**

...

Advocate for the petitioner : Mr. Abhijit S. More
Advocate for Respondent /State : Mr. K.B. Jadhavar
Advocate for Respondent No.2 : Mr. Gulab B. Rajale

...

CORAM : MANGESH S. PATIL, J.

DATE : 24.08.2021

ORAL JUDGMENT :

Heard. Rule. The Rule is made returnable forthwith. With the consent of both the sides, the matters are heard finally at the stage of admission.

2. Contrary to the settled law that the Land Acquisition References cannot be dismissed in default, by the impugned order the learned Judge has dismissed these references preferred by the petitioners. The orders therefore are palpably illegal and liable to be quashed and set aside.

3. However, simultaneously, the petitioner also need to be put on guard so that the references can be decided expeditiously. It would be appropriate to lay down a time line so as to enable the Reference Court to decide the references expeditiously.

4. The learned advocate for the petitioners fairly concedes that since the references were dismissed in the year 2013, the petitioners would not claim any interest from the date the petitions were dismissed till the date they are restored.

5. In view of the above, these petitions are partly allowed with the following directions:

- a) The impugned orders are quashed and set aside.
- b) All the litigating parties shall appear before the learned Civil Judge S.D. Osmanabad in the L.A.R. proceedings on 09.09.2021 and no formal notices are necessary.
- c) Each of the applicants in these proceedings shall tender their affidavits in lieu of examination in chief, on/or before 30.09.2021.
- d) The Reference Court shall then decide the proceedings as expeditiously as possible and preferably on/or before

31.01.2022.

- e) The petitioners shall not be entitled to claim the interest component, if the amount of compensation is enhanced, from the date on which the proceedings were dismissed in default till the date those are restored.
- f) In the event the petitioners unnecessarily delay the proceedings and do not lead evidence as directed, the Reference Court would be at liberty to pass appropriate orders.

(MANGESH S. PATIL, J.)

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