

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.527 OF 2006

Sundar S/o. Deorao Thosar
Died Through L.Rs.

1. Ramdas s/o. Sundar Thosar,
Age 40 years, Occu. Agril.,
R/o. Ukhanda, Taluka Patoda,
District Beed.
2. Ramchandra s/o. Sundar Thosar,
Age 37 years, Occu. Agril.,
R/o. As above.
3. Bajrang s/o. Sundar Thosar,
Age 34 years, Occu. Agril.,
R/o. As above.

.. **Appellants**

Versus

The State of Maharashtra
Through Collector Beed.

.. **Respondent**

...
Mr. Dattatraya R. Jayabhar, Advocate for Appellant.
Mr. P. M. Kulkarni, A.G.P. for Respondent
...

CORAM : ANIL S. KILOR, J.

DATE : 9th APRIL, 2021

ORAL JUDGMENT :-

1. Heard the learned counsel for the respective parties.
2. The learned counsel appearing for the appellants-claimants points out that in other connected matters, this Court has remanded back the matters to the reference court on the ground that the Acquiring Body was not party to the reference.

The learned counsel draws attention of this Court to the Order dated 31st January, 2017 passed in First Appeal No. 514 of 2005 and other companion matters, as well as Order dated 8th December, 2017 passed in First Appeal No. 1392 of 2017 and other connected matter.

3. Since the present appeal is arising out of the same land acquisition proceedings and there is no dispute about the fact that the Acquiring Body was not party before the Reference Court, I do not find any reason to take different view than the view taken by this Court vide Order dated 31st January, 2017, passed in First Appeal No. 514 of 2005 and order dated 8th December, 2017 passed in First Appeal No. 1392 of 2007.

4. Accordingly, I pass the following order :-

ORDER

1. The appeal is partly allowed.
2. The impugned Judgment and Award dated 10-01-2005 passed by the learned District Court, Beed, in Land Acquisition Reference No. 98 of 1995 is quashed and set aside.
3. The reference is restored to its original number.
4. The parties shall appear before the Reference Court on 10th June, 2021.
5. The Reference Court shall give an opportunity to all the parties to adduce the evidence and so also give opportunity to Acquiring Body to file written statement. The Reference Court shall dispose of the reference as expeditiously as possible, preferably within a period of one year from today.
6. The appeal is disposed of.

(ANIL S. KILOR)
JUDGE