

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

**952 WRIT PETITION NO.2697 OF 2021**

SALUBA ASHRUBA SHIRSE DIED THR LRS GOPINATH SALUBA SHIRSE  
AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Wayal Vitthal B  
AGP for Respondents/State: Mr. P. G. Borade  
Advocate for Respondent No.2: Mr. Arora Shyam C.

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

**DATE : 07.09.2021**

**PER COURT :**

- . Heard both the side finally with consent.
2. A reference under Section 18 of the Land Acquisition Act has been dismissed in default by the impugned order for non-prosecution.
3. It is trite that being a reference under Section 18, a Reference Court cannot dismiss it in default.
4. In view of the above state of affairs, the writ petition is allowed and the impugned order is quashed and set aside subject to the condition that the Petitioners shall not be entitled to claim any interest for the period 23/11/2009 till date.

5. The parties shall appear before the Reference Court on 01.10.2021 and there shall be no need for the Reference Court to issue any notice to the parties.

**(MANGESH S. PATIL, J.)**

Sameer