

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

68 WRIT PETITION NO.9800 OF 2021

**GOVIND DEVIDAS KENDRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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

...
**AND
69 WRIT PETITION NO.9801 OF 2021**

**RAMRAO SIDRAM LATPATE DIED THR LRS KISHAN RAMRAO LATPATE
AND OTHERS
VERSUS**

THE STATE OF MAHARASHTRA AND OTHERS

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

...
**AND
70 WRIT PETITION NO.9802 OF 2021**

**IRUBAI NAGNATHRAO YERGE
VERSUS
THE STATE OF MAHARASHTRA AND ORS.**

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

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

DATE : 25.10.2021

PER COURT :

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 matters would be heard finally at the stage of admission. But still it has not appeared.

2. 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 the references under Section 18 of the Land Acquisition Act, it was imperative for the reference court to decide those 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 awards passed by the Land Acquisition Officer, objectively. He has simply dismissed the references 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 matter to the reference court 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 court for decision afresh on merits. The petitioners shall appear before the concerned reference court 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 affidavits in lieu of examination in chief on the date of their appearance. The reference court thereafter shall proceed to conduct the hearing and decide the references 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.)