

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

WRIT PETITION NO.10735 OF 2021

**ASARAM RAJARAM SURASE SINCE DECEASED THR LEGAL
HEIRS SATYABHAMA ASARAM SURASE & ORS...PETITIONERS**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...
Mr. Dinesh U. Manwatkar, Advocate for the
Petitioners.

Mr. S. P. Tiwari, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 07th OCTOBER, 2021.

PER COURT:-

1. The petitioners are challenging the order dismissing their Reference on account of non-adducing the evidence.

2. The learned A.G.P. accepts notice for all respondents and submits that, petitioners have remedy of Appeal.

3. In normal course, we would have relegated petitioners for availing remedy of Appeal.

4. The petitioners to show their bonafides have filed an undertaking to the effect that, from the date of dismissal of the Reference because of the non-adducing the evidence till the filing of

the present Writ Petition, petitioners would waive the statutory interest and all other statutory benefits payable under the statute.

5. Considering the fact that, petitioners are agriculturists and heirs of the one whose land was acquired and deceased was rustic person residing in the rural village, we have exercised our jurisdiction under Article 226 of the Constitution of India.

6. The impugned judgment is quashed and set aside. The parties are relegated before the Reference Court. The LAR No.414/2012 is restored to its original position.

7. In case, the Reference is allowed and/or amount of compensation is enhanced, petitioners in view of the undertaking filed will not be entitled to the statutory benefits from 02.01.2018 till this date that is 07.10.2021. The present order shall be brought to the notice of the Reference Court and shall be placed in the file of the Reference.

8. Writ Petition accordingly disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE