

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

FIRST APPEAL NO. 1316 OF 2021

Janardhan Pralhad Deshmukh and another ... Appellants
Versus
State of Maharashtra ... Respondent

....

Mar. S. S. Chillarge, Advocate for appellants
Mr. P. M. Kulkarni, AGP for respondent – sole.

....

CORAM : R. G. AVACHAT, J.

DATED : 13th AUGUST, 2021

PER COURT :-

. Heard.

2. Perused the impugned award.

3. The Reference Court has observed in para 14 of its
judgment as under :-

“Whereas it is the settled principle of law that in reference U/sec. 18 of the Act burden of providing the amount of compensation awarded by the Collector was inadequate lies upon claimant. He must show affirmatively that Collector had proceeded upon wrong basis. But claimant did not adduce either documentary or oral evidence to that effect. Therefore, it has to presumed that L.A.O. granted the most proper and reasonable market price which was prevailing on the date of notification U/Sec. 4 of the L.A. Act. In result this issue is answered in negative.”

4. The Reference Court appears to have not gone through the award passed by the Land Acquisition Officer to find it whether it has been in accordance with law, and simply dismissed the Reference on account of failure of the claimants to lead evidence.

5. In the aforesaid factual backdrop and to advance interest of justice, the impugned award is hereby set aside. The matter is remanded back to the Reference Court to decide it on its own merits after giving the claimants an opportunity of producing evidence.

6. The Reference Court is requested to decide the Reference within a period of eight (8) months from the date of receipt the copy of this order.

7. The parties shall appear before the Reference Court on 06.09.2021.

8. The First Appeal is disposed of.

[R. G. AVACHAT, J.]