

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

WRIT PETITION NO.715 OF 2022

**TANAJI NARAYANRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Pradeep V. Ambade
AGP for Respondent Nos.1 and 2 : Mr. S. N. Morampalle
Advocate for Respondent No.3 : Mr. Gulab B. Rajale

...

WITH

WRIT PETITION NO.716 OF 2022

**SHIVAJI NARAYANRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND OTHERS**

...

Advocate for Petitioner : Mr. Pradeep V. Ambade
AGP for Respondent Nos.1 and 2 : Mr. P. G. Borade
Advocate for Respondent No.3 : Mr. Gulab B. Rajale

...

WITH

WRIT PETITION NO.883 OF 2022

**MADHAV AMBADAS PATIL DECEASED THROUGH HIS LRS.
DINKAR MADHAV PATIL
VERSUS**

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Pradeep V. Ambade
AGP for Respondent Nos.1 and 2 : Mr. S. N. Morampalle
Advocate for Respondent No.3 : Mr. Gulab B. Rajale

...

WITH

WRIT PETITION NO.925 OF 2022

PANDURANG MURLI SURYAWANSHI, DECEASED THROUGH HIS LRS.
SWARUPA PANDURANG SURYAWANSHI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Pradeep V. Ambade
AGP for Respondent Nos.1 and 2 : Mr. K. B. Jadhavar
Advocate for Respondent No.3 : Mr. Gulab B. Rajale

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WITH

WRIT PETITION NO.938 OF 2022

VILAS GANPATI POTDAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Pradeep V. Ambade
AGP for Respondent Nos.1 and 2 : Mr. S. N. Morampalle
Advocate for Respondent No.3 : Mr. Gulab B. Rajale

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WITH

WRIT PETITION NO.3523 OF 2022

MADHAV TUKARAM MANE, SUBHASH MADHAV MANE BOTH DECEASED
THROUGH LRS. VACHALABAI MADHAV MANE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Pradeep V. Ambade
AGP for Respondent Nos.1 and 2 : Mr. P. G. Borade
Advocate for Respondent No.3 : Mr. Gulab B. Rajale

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WITH

WRIT PETITION NO.3534 OF 2022

**FATARU MAHTAB SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Pradeep V. Ambade
AGP for Respondent Nos.1 and 2 : Mr. K. B. Jadhavar
Advocate for Respondent No.3 : Mr. Gulab B. Rajale

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CORAM : MANGESH S. PATIL, J.

DATED : 21 JULY 2022

PER COURT :

These are the petitions addressing the same issue and are being disposed of by this common order after hearing the parties finally.

2. The reference court in a proceeding under Section 18 of the Land Acquisition Act has dismissed the references in spite of the trite legal position that the references have to be answered and cannot be dismissed.

3. True it is that the petitioners seem to be remiss in prosecuting the references by leading evidence. Therefore though the reference court has erred in dismissing the petitions for want of evidence even the petitioners are to be blamed for the situation they are in.

4. Though the orders being illegal are liable to be set aside, simultaneously, even the petitioners cannot be allowed to take advantage of

their own wrong. They can be made to forgo the monetary benefits for the period interregnum.

5. The Writ Petitions are allowed partly. The impugned orders are quashed and set aside and the references are remitted back to the reference court for decision in accordance with law. However the petitioners shall not be entitled to claim any monetary benefit under different provisions of the Land Acquisition Act for the period from the date of decision till date, in WP No.715 of 2022, WP No.716 of 2022, WP No. 883 of 2022, WP No. 938 of 2022 from 03.09.2018, WP No.925 of 2022 from 19.01.2013, in WP No.3523 of 2022 from 22.10.2013 and in WP No. 3534 of 2022 from 09.08.2007.

6. The parties shall appear before the reference court on 01.08.2022 and there shall be no need for the reference court to issue any notice. In any case the petitioners shall complete their evidence within three months from their appearance and the reference court shall decide those as expeditiously as possible.

(MANGESH S. PATIL, J.)