

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

103 WRIT PETITION NO.3547 OF 2022

GOPAL KERBA JADHAV

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Pradeep V. Ambade

AGP for Respondent/State : Mr. S.N. Morampalle

Advocate for Respondent No.3 : Mr. Jeevan R. Patil h/f. Mr. Gulab B. Rajale

...

AND

104 WRIT PETITION NO.3631 OF 2022

NAGORAO MOHANRAO PURANDARE DIED THROUGH HIS LRS PRASAD

NAGORAO PURANDARE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. D.A. Mane

AGP for Respondents: Mr. S.B. Pulkundwar

...

CORAM : MANGESH S. PATIL, J.

DATE : 18.07.2022

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.3547/2022 from 20.01.2014 and in WP No.3631/2022 from 29.03.2018, till date.

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 they 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.)

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