

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

WRIT PETITION NO.10776 OF 2021

VIJAYKUMAR BHAGWANRAO NIRVAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AND
OTHERS

**WITH
WRIT PETITION NO.10779 OF 2021**

RAMDAS YASHWANTRAO NIRVAL (DIED) THROUGH LR.s.
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AND
OTHERS

...
Advocate for Petitioners : Mr. More Kumar Gaurav M.
AGP for Respondent Nos.1 & 2/State: Mr. S. N. Kendre
Advocate for Respondent No.3: Mr. S. C. Arora
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 1st July, 2022

ORDER :

1. Admittedly, the points raised in these petitions are covered by the decision rendered by this Court in Writ Petition No.10381/2015 and connected matters, which were decided on 19-01-2016. The said decision is placed on record at Exhibit-C of the present petitions.
2. There is no dispute that the petitioners are similarly situated.

3. For the reasons stated in the order passed in Writ Petition No.10381/2015 and connected matters, Writ Petitions are allowed. The impugned order below Exhibit-1 in M.A. (R) No.59/2014 and M.A. (R) No.60/2014, passed by 3rd Joint Civil Judge, Senior Division, Jalna dated 26/04/2016, is hereby quashed and set aside.

4. The applications i.e. M.A. (R) No.59/2014 and M.A. (R) No.60/2014 are hereby allowed.

5. The matters are restored on the file of the reference Court i.e. 3rd Joint Civil Judge, Senior Division, Jalna. The proceedings under Section 18 of the Land Acquisition Act, 1894 are restored to the file of the learned Civil Judge, Senior Division, Jalna for decision of the reference afresh after making acquiring body as party to such proceedings and permit the acquiring body to file their statements and proceed with the reference in accordance with law.

[NITIN B. SURYAWANSHI, J.]

Sameer