

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13588 OF 2021

Dadarao S/o Sukhdeo Chalak
Age 69 years, Occu.: Agril.,
R/o. Chakarwadi,
Taluka & District Beed

.... Petitioner

VERSUS

1. The State of Maharashtra
Through, Collector, Beed
2. The Executive Engineer,
Minor Irrigation Local Sector, Beed

.... Respondents

WITH
WRIT PETITION NO.13603 OF 2021

Ashruba Bhimrao Anwane
Age 69 years, Occu.: Agril.,
R/o. Chakarwadi,
Taluka & District Beed

.... Petitioner

VERSUS

1. The State of Maharashtra
Through, Collector, Beed
2. The Executive Engineer,
Minor Irrigation Local Sector, Beed

.... Respondents

...

Mr. Pramod C. Mayure, Advocate for the Petitioners
Mrs. G.L. Deshpande, AGP for Respondents/State

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 29th JUNE, 2022

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.

2. By these petitions, filed under Articles 226 and 227 of the Constitution of India, the petitioners take exception to the order dated 10-02-2021 passed by the learned Civil Judge, Senior Division, Beed in L.A.R. No.189 of 2011 and L.A.R. No.191 of 2011, thereby rejecting the Land Acquisition References as the petitioners failed to adduce evidence.

3. Admittedly, the issue involved in the present writ petitions is no more res-integra in view of the decision of this Court (Coram : V.K. Jadhav, J.) in Writ Petition No.12795 of 2019 and connected writ petitions. This Court has held that the reference has to be decided on merits. In those matters, the reference Court did not decide the references on merit and rejected the respective references, as the petitioners therein failed to adduce the evidence. This Court restored the references and directed to decide the references on merits.

4. Admittedly, in the present matters also the references are not decided on merits and the same are rejected solely on the ground that the petitioners failed to adduce the evidence. The present matters are therefore squarely covered by the above-referred decision. Hence, the following order:

ORDER

- (I) The writ petitions are allowed.
- (II) The impugned judgment and order passed by the learned Civil Judge, Senior Division, Beed in L.A.R. No.189 of 2011 and L.A.R. No.191 of 2011 is hereby quashed and set aside.
- (III) The matters are relegated back to the reference Court for decision on merits, after giving an opportunity to the respective parties.
- (IV) In case, the reference Court allow the references filed by the petitioners, the point of interest shall be considered on its own merits without being influenced by this order.
- (V) The reference Court shall expedite the hearing of the matters and decide the same within a period

of six months from the date of receipt of this order. Parties to cooperate.

(VI) Rule is made absolute in above terms. No costs.

[NITIN B. SURYAWANSHI, J.]

Sameer