

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13481 OF 2021

Sukhdeo S/o Rangnath Jagdale
Age 60 years, Occu.: Agril.,
R/o. Jarul, Tq. Vaijapur,
Dist. Aurangabad

.... Petitioner

VERSUS

1. The State of Maharashtra
Through, Collector, Aurangabad
2. Office In charge,
Office of Maharashtra Industrial
Development corporation,
Aurangabad, Near Railway Station,
Aurangabad
3. Chief Executive Officer,
Office of Maharashtra Industrial
Development Corporation,
Mumbai 400 093
4. Industrial & Labour Department
Through its Secretary,
Mantralaya, Mumbai – 32.

.... Respondents

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Dr. Yogesh D. Kale, Advocate for the Petitioner
Mrs. G.L. Deshpande, AGP for Respondent Nos.1 and 4
Mr. S.S. Dande, Advocate for Respondent Nos.2 and 3

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th JUNE, 2022

ORAL JUDGMENT :

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

2. By this petition, filed under Articles 226 and 227 of the Constitution of India, the petitioner takes exception to the order dated 04.04.2018 passed by the learned Civil Judge, Senior Division, Vaijapur in L.A.R. No.1252 of 2010, thereby rejecting the Land Acquisition Reference as the petitioner failed to adduce evidence.

3. Admittedly, the issue involved in the present writ petition 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 case also the reference is not decided on merits and the same is rejected solely on the ground that the petitioner failed to adduce evidence. The present case is therefore squarely covered by the above-referred decision. Hence, the following order:

ORDER

- (I) The Writ petition is allowed.
- (II) The impugned judgment and order passed by the learned Civil Judge, Senior Division, Latur in L.A.R. No. 1252 of 2010 is hereby quashed and set aside.
- (III) The matter is relegated back to the reference Court for decision on merits, after giving an opportunity to the respective parties.
- (III) In case, the reference Court allows the reference filed by the petitioner, the point of interest shall be considered on its own merits without being influenced by this order.

- (IV) The reference Court shall expedite the hearing of the matter and decide the same within a period of six months from the date of receipt of this order. Parties to cooperate.
- (V) Rule is made absolute in above terms. No costs.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane