

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

FIRST APPEAL NO. 2168 OF 2022

Pandharinath Jayram Karhale

Appellant

Versus

The State of Maharashtra & another

Respondents

Mr. N. J. Pahune Patil, advocate for the Appellant

Mr. S. N. Kendre, AGP for Respondent No.1.

Mr. B. R. Surwase, advocate for Respondent No.2.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 01st December, 2022.

PC :

Heard rival submissions.

The learned Counsel for the appellant-claimant submits that the learned Reference Court did not give any fair opportunity to the claimant for leading evidence. The copy of *Roznama* of the Reference Court, annexed herewith, indicates that the learned Reference Court fixed the Land Acquisition Reference for evidence on 15th March, 2019 and the LAR was disposed of on the next day itself i.e. 16th March, 2019.

The learned Counsel for the applicant-claimant

submits that while considering the enhancement, the learned Reference Court only considered Well and not the quality of land.

The learned Counsel for the Respondent-acquiring body submits that if the matter is remanded back then the acquiring body may be permitted to lead the evidence.

In view of the same, the appeal is partly allowed and the impugned judgment and award dated 16.03.2019, passed by the learned Reference Court in LAR No.1359 of 2010, stands quashed and set aside. The matter is remanded back to the learned Reference Court for deciding the matter afresh by giving opportunity of leading evidence to the rival parties. It is also directed that the learned Reference Court shall decide the matter expeditiously.

The appeal is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb