

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1705 OF 2023

SANTOSH LAXMAN SHERKAR AND OTHERS
VERSUS
VIJAYKUMAR RAMCHANDRA SHERKAR AND OTHERS

Mr. Naiknavare Ramesh Vitthal, Advocate for the petitioners.
Mr. Dhiraj R. Jethliya, Advocate for Respondent Nos.1 to 3.

CORAM : SHARMILA U. DESHMUKH, J.
DATED : MARCH 01, 2023.

PER COURT :

1. The writ petition can be disposed of in view of consensus which has been arrived at between the parties.

2. This proceeding arises out of the Land Acquisition Reference No.185 of 2017. The dispute was referred by the Land Acquisition Officer to the Civil Court, as rival claims were being raised. It is the case of the Petitioners that their property bearing survey No.342/2 has been acquired by National Highway Authority. Considering the dispute raised by both the parties, the matter had been referred to the Civil Court. Before the Reference Court, the Petitioners had examined himself and thereafter, on 26th July, 2022 an application was filed for issuance of witness summons to the

Superintendent of Land Records to produce the necessary documents enumerated in the application. The Reference Court by order on the same day, before issuance of witness summons, directed the petitioners to produce on record the photocopies of documents sought. By application dated 3rd November, 2022, the Petitioners sought permission to produce the documents, which production was allowed. Subsequently, by order of 3rd November, 2022, the Reference Court directed the respondents to submit his affidavit of evidence in lieu of examination-in-chief and directed the petitioners to cross-examine the Respondent.

3. On 29th November, 2022, an application came to be filed by the respondents requesting that a direction may be issued to the Petitioners to produce the 7/12 extract as per the measurement map produced as regards survey No.345, which came to be allowed by the Reference Court. It is the order of 3rd November, 2022, directing the respondent to file the affidavit in lieu of examination-in-chief and the order of 22nd December, 2022, directing the petitioners to produce the 7/12 extract produced, which is challenged.

4. Without going into the merits of the case, in view of the consensus which has been arrived at between the parties, the writ petition can be disposed of by allowing the petitioners' application dated 26th July, 2022 for issuance of witness summons to the

Superintendent of Land Records. As regards the order of 22nd December, 2022, the parties agree that the order may be quashed and set aside, as it is for the petitioners to lead evidence in the manner as they deem fit in order to substantiate their claim.

5. As the reference is of the year 2017 and has been unnecessarily protracted by reason of application being filed by the petitioners, the reference Court is directed to decide the reference as expeditiously as possible in any event within a period of one year from the date of this order. The parties are directed to cooperate with the Reference Court and not seek unnecessary adjournments.

6. Writ Petition is allowed in the above terms. No costs.

(SHARMILA U. DESHMUKH, J.)