

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4995 OF 2022

Santosh s/o Bajiraj Kashid
Age- 43 years, Occ- Agriculture,
R/o. Suratgaon, Tq. Tuljapur,
Dist. Osmanabad.

Petitioner

Versus

- 1) Laxman Bhimrao Patil (died)
Through his L.R's
- 1A) Manik Laxman Patil (died)
Through his L.R's
- 1-A-a) Nagesh Manik Patil
Age- 45 years, Occ- Agriculture,
- 1A-b) Kalyan Manik Patil
Age- 50 years, Occ- Agriculture.
2. Narsingh Devrao Patil (died)
Through his L.Rs
- 2A) Alka Bapu Suryawanshi
Age- 43 years, Occ- Household,
R/o. Sanja Road, Osmanabad,
Tq. & Dist. Osmanabad.
- 2B) Rekha Narshing Patil
Age- 50 years, Occ- Household,
R/o. B.B. Darphal, North Solapur,
Tq. & Dist. Solapur.
- 3) Ramhari Derao Patil (died)
Through his L.Rs
- 3A) Balaraj Ramhari Patil
Age- 60 years, Occ- Agriculture.
- 3B) Meghraj Ramhari Patil

Age- 55 years, Occ- Agriculture.

3C) Deepak Ramhari Patil
Age- 50 years, Occ- Agriculture,

4) Bhanudas Baburao Vadane
Age- 61 years, Occ- Agriculture,

5) Vishwanath Namdev Gund (died)
Through his L.Rs

5A) Ashok Viswanath Gund
Age- 43 years Occ- Agriculture

5B) Kalidas Vishwanath Gund
Age- 50 years Occ- Agriculture

5C) Rajkumar Vishwanath Gund
Age- 40 years, Occ- Agriculture

6) Mandakini Annasaheb Kashid
Age- 42 years, Occ- Household.
Above all are R/o Suratgaon,
Tq. Tuljapur, Dist. Osmanabad.

Respondents

Mr. R.V. Naiknavare, Advocate for the petitioner.

Mr. E.S. Murge, Advocate for respondent Nos. 3A to 3-C.

Mr. K.J. Ghute Patil, Advocate for respondent No. 4.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 5th SEPTEMBER, 2023

ORDER:

1. Leave to correct prayer clause. Correction to be carried out forthwith.

2. This petition filed under Article 226 and 227 of the Constitution of India, challenges the order dated 23.03.2022,

passed by the Reference Court.

3. Land Acquisition Reference No. 116/2020 is pending before learned Civil Judge, Senior Division, Osmanabad. In the said reference after 01.12.2021, petitioner failed to lead evidence showing his entitlement for the compensation amount. Reference Court, therefore, closed the evidence of the petitioner and placed the matter for final arguments. This order is impugned in the present petition.

4. Having heard the learned advocate for the petitioner and learned advocate for the respondents and on going through the memo of writ petition, its annexures and the impugned order, this Court is of the opinion that the impugned order cannot be sustained as the same denies fair opportunity to the petitioner to contest the matter on merits. In the result, following order:-

ORDER

- I) Writ petition is allowed.
- II) Impugned order dated 23.03.2022, passed by learned Civil Judge, Senior Division, Osmanabad, thereby closing evidence of the petitioner, is hereby quashed and set aside, subject to the petitioner paying cost of Rs. 10,000/- to respondent Nos. 3A to 3C in the Reference Court, within four weeks from the date of

receipt of writ of this order.

- III) Petitioner shall prosecute the matter in accordance with law.
- IV) Reference Court shall decide the matter within six months from the date of receipt of writ of this order.

[NITIN B. SURYAWANSHI, J.]