



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO. 448 OF 2024

Satish S/o. Sahebrao Gaikwad
Age: 45 years, Occu. Agriculture,
R/o. Kothalwadi, Tq. Kallamb,
Dist. Osmanabad

.. Petitioner
(Orig. Claimant)

Versus

1. The State of Maharashtra,
Through its Collector, Osmanabad,
Dist. Osmanabad
2. The Special Land Acquisition Officer No.2,
Osmanabad, Dist. Osmanabad
3. The Executive Engineer,
Osmanabad Minor Irrigation,
Dist. Osmanabad

.. Respondents

...
Advocate for the Petitioner : Mr. Pravin B. Rakhunde
AGP for Respondent/State: Mrs. P. R. Bharaswadkar
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 16th JANUARY, 2024

ORAL JUDGMENT:

1. **Rule.** Rule made returnable forthwith. By consent, heard finally.
2. Heard the learned Advocate appearing on behalf of the respective parties.

3. The learned Advocate for the petitioner submits that the Reference Court by the impugned order dated 01.11.2023, dismissed the reference on account of the fact that the petitioner failed to lead evidence before the Reference Court. The learned Advocate submits that the reference application was filed before the Collector and the matter was referred to the Reference Court. However, the petitioner was not aware of the further proceedings, and as such, no steps were taken by the petitioner to lead evidence before the Reference Court. The learned Advocate relies upon the Judgment of this Court in Writ Petition No.12795 of 2019 and other connected matters dated 17/01/2020, and submits that the Reference Court should decide the Reference Application on merits and not by taking into consideration the evidence available before the Special Land Acquisition Officer. He further submits that in identical fact situation, this Court has remanded matter for leading evidence before the Reference Court.

4. The learned AGP has not seriously disputed the legal proposition canvassed.

5. In view of the submissions made, the impugned award passed by the Reference Court is set aside and the matter is remitted back to the Reference Court for deciding the Reference on merits.

6. The petitioner is permitted to lead evidence before the Reference Court.

7. The learned Advocate for the petitioner submits that the petitioner would appear before the Reference Court on 05.02.2024 and that he would also tender his evidence before the Reference Court on the date given by the Reference Court.

8. The Reference Court to decide the Reference expeditiously.

9. In view of the above, the writ petition is allowed.

Rule made absolute in above terms.

[ARUN R. PEDNEKER, J.]

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