



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

981 WRIT PETITION NO. 10236 OF 2023

RAMBHAU TATYARAO KORDE SINCE DECEASED THROUGH LRS
KAUSHALYABAI RAMBHAU KORDE SINCE DIED

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE DISTRICT COLLECTOR AND
OTHERS

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Advocate for the Petitioner : Mr. Mahesh P. Kale, Muley Atul R.

AGP for Respondents-State : Mr. V. M. Chate

Advocate for Respondent No.3 : Mr. B. R. Surwase

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CORAM : ARUN R. PEDNEKER, J.

Dated : April 16, 2024

PER COURT :-

1. Liberty is granted to correct the name of respondent No.3 forthwith.
2. Heard the learned Advocate for the parties.
3. The Reference Court has rejected the reference for non leading of the evidence. The learned Advocate for the petitioner submits that this Court has consistently held in various matters that the Reference Court to decide the reference on merits and not merely on the evidence that was available before the Land Acquisition officer. He submits that the matter be remitted back to the Reference Court to decide afresh.
4. The learned Advocate for Acquiring Body/ respondent No.3 submits that there is huge delay in filing the petition, and as such, the petition be dismissed or a conditional order be passed.
5. In view of the submission by the learned Advocate for the respondent No.3/ Acquiring Body, the learned Advocate for the petitioner, on instructions, submits that he would not claim interest or statutory

benefits for the delayed period. He submits that he had filed revision in 2019 as the same was held not maintainable and is converted in to present writ petition.

6. In view of the submissions canvassed, the order passed by the Reference Court is set aside and the matter is remitted back to the Reference Court to decide the same on merits. However, in the event, the Reference Court answers the reference in favour of the claimant, the Reference Court would not grant interest or statutory benefits from the date of the Reference Court award i.e. from 13/09/2010 till the date of filing of the Revision petition i.e. 14/01/2019.

7. The claimant to remain present before the Reference Court on 09/05/2024. The claimant to lead evidence on the dates given by the Reference Court.

8. The Reference Court is directed to decide the reference as expeditiously as possible, and in the event, the claimant fails to lead evidence, the Reference Court to pass appropriate orders in the reference.

9. With the observations as above, the writ petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.