



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

908 WRIT PETITION NO. 2394 OF 2024

SINDHUBAI PRATAP PATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER AND ANOTHER
...

**WITH
WRIT PETITION NO. 2395 OF 2024**

KASTURABAI OMKAR JAGTAP
VERSUS
THE COLLECTOR JALGAON DIST. JALGAON AND OTHERS
....

Advocate for the Petitioner : Mr. Patil Vinod Prakash
AGP for Respondents-State : Mrs. P. R. Bharaswadkar
...

**CORAM : ARUN R. PEDNEKER, J.
Dated : March 01, 2024**

PER COURT :-

1. Heard.
2. Mr. Vinod Patil, the learned counsel for the petitioners submits that the LAR No.57 of 2006 was dismissed on 30/01/2020 and LAR No.109 of 2014 was dismissed on 28/03/2023, on account of non leading of evidence. He relies upon the Judgment of this court in Writ Petition No.1673 of 2023 and other connected matters, dated 30/03/2023 and submits that wherever evidence is not led by the parties this court has remitted the matter back with liberty to lead evidence holding that the reference court has to decide the reference on

merits and not to dismiss the same on account of non leading of evidence of the claimants.

3. The learned AGP does not disputes the proposition of law that where the evidence is not led by the parties this court has remitted the matter back as mentioned in the order dated 30/03/2023 in Writ Petition No.1673 of 2023 and other connected matters. However, submits that there is a huge delay in approaching this court and the order dated 30/01/2010 and 28/03/2023 are challenged in the present writ petitions.

4. In response to the submissions of the leaned AGP, the learned counsel for the petitioners submits that the petitioners would not claim any interest or statutory benefit for the delayed period from the date of the dismissal of the reference i.e. 30/01/2010 in LAR No.57/2006 and 28/03/2023 in LAR No.109/2014, till the date of the filing of these petitions i.e. 22/01/2024 and 13/02/2024 respectively.

5. In view of the submission made, the award of the reference court is set aside and the matters are remitted back to the reference court to decide it in accordance with law. The learned counsel for the petitioners submits that the petitioners would remain present before the reference

court, on 20/03/2024 and will lead evidence as per the date given by the reference court. The reference court to decide the reference as expeditiously as possible and in any event within one (01) year from the date of production of this order. In the event, the reference court answers the reference in favour of the claimants, the claimants would not be entitled for the interest and statutory benefits from the date of decision of their LARs till filing of the writ petitions, as mentioned above.

6. The writ petitions are accordingly disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.