



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

907 WRIT PETITION NO. 3482 OF 2024

**NANDLAL BARAKU PATIL & ANOTHER
VERSUS
SPECIAL LAND ACQUISITION OFFICER & ANOTHER**

...
Advocate for the petitioners : Adv.G.M.More
AGP for Respondent-State : Adv.K.R.Jamdhade
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 04.04.2024

P.C. :

1] The learned counsel for the petitioners submits that the Reference Court has dismissed the Reference as the petitioners failed to adduce oral as well as documentary evidence in the reference. The learned counsel for the petitioners further submits that this Court in various judgments has already held that the Reference Court has to decide the reference on merits. The learned counsel relies upon the order passed by this Court dated 9th January, 2024 in Writ Petition No.210 of 2024 and submits that this Court, by earlier order, has set aside the award of the Reference and remanded the matter back.

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

3] In view of the submissions made, the 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.

4] The petitioners are permitted to lead evidence before the Reference Court.

5] The learned Advocate for the petitioners submits that he would appear before the Reference Court on 06.05.2024 and that he would also tender his evidence before the Reference Court on the date given by the Reference Court.

6] The Reference Court to decide the reference expeditiously.

7] In the event, the petitioners fail to lead evidence before the Reference Court, the Reference Court would be entitled to proceed further to pass appropriate order in the matter.

[ARUN R. PEDNEKER]
JUDGE