



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 4270 OF 2024

RAMPRASAD HONAJI CHAVAN

VERSUS

THE STATE OF MAHARASHTRA
THROUGH COLLECTOR AND OTHERS

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Advocate for the Petitioner : Mr. Jadhav Kailas B.

AGP for Respondent/State: Mr. K. B. Jadhavar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 24th APRIL, 2024

PER COURT:

1. Heard.
2. The learned counsel submits that the petitioner is challenging the order passed by the reference court dismissing the reference for not leading evidence in spite of sufficient opportunity to the petitioner.
3. The learned counsel submits that, this court has consistently held that the reference has to be decided on merits and not on the basis of the evidence that was available before the land acquisition officer in its e-statement.

4. Per contra, the learned AGP submits that in similar fact situation this court has remitted the matter back for leading evidence, however, he submits that the order passed by the reference court is of the year 2009 and that there is substantial delay in filing the writ petition and the petition be dismissed on account of delay or conditional order be passed.

5. In view of the submissions made by the learned AGP, the learned counsel appearing for the petitioner, on instructions, makes a statement that he would not claim interest or statutory benefit for the delayed period i.e. from the date of the dismissal of the reference i.e. 05.03.2009 till the filing of the present writ petition i.e. 21.03.2024.

6. In view of the submissions canvassed, the impugned order dated 05.03.2009 passed by the reference court is set aside. The matter is remitted back to the reference court. The claimant shall remain present before the reference court, on 08.05.2024, so as to enable the reference court to give further dates. The reference court to decide the reference as expeditiously as possible. In the event, the claimant fails to lead evidence, the reference court would be entitled to pass appropriate order. However, in the event, the reference court answers the reference in favour of the claimant, the claimant would not be entitled for interest or statutory benefit from 05.03.2009 till 21.03.2024.

7. With the above observations, the writ petition stands disposed of.

[ARUN R. PEDNEKER, J.]

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