



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

919 WRIT PETITION NO. 3914 OF 2024

GOVIND YESHWANTRAO JADHAV

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR

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Advocate for the Petitioner : Mr. Rakhunde Pravin B

AGP for Respondents-State : Mr. S.B. Jadhav

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CORAM : ARUN R. PEDNEKER, J.

Dated : April 16, 2024

PER COURT :-

1. The learned Advocate for the petitioner submits that the Reference Court has rejected the Reference for non leading of evidence. He submits that this Court has consistently held that the Reference Court has to decide the Reference on merits and not merely on the evidence that was available before the Land Acquisition Officer. The learned Advocate submits that there is observation as regards the claim being beyond limitation without factual foundation and discussion about the same.
2. The learned Advocate appearing for The learned AGP has not disputed the position canvassed. However, he submits that there is a long standing delay in filing the writ petition. As such, the learned AGP submits that the petition be dismissed or alternatively, conditional order be passed.
3. In view of the submissions of the learned AGP, the learned Advocate for the petitioner, on instructions, submits that he would not claim interest or statutory benefits for the delayed period from the date of the dismissal of the reference proceedings till the filing of the present petition.
4. In view of the submissions made, the order passed by the Reference

Court dated 16/11/2006 is set aside and the matter is remitted back to the Reference Court for decision on merits.

5. If the Reference Court would decide the reference on merits and also the issue of limitation, and in the event, the claim is answered in favour of the claimants, the Reference Court would not grant any interest or statutory benefits for the delayed period from the date of the award of the Reference Court i.e. 16/11/2006 till the filing of the present petition i.e. 01/04/2024.

6. With the above observations, it is directed that the Reference Court to decide the Reference as expeditiously as possible. The claimant to remain present before the Reference Court on 06/05/2024 and give evidence on the dates fixed by the Reference Court.

7. In the event, the claimant fails to lead further evidence, the Reference Court to pass appropriate orders.

8. With observations as above, the petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.