



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

911 WRIT PETITION NO. 4771 OF 2024

DHONDIBA RANGRAO DHONE DIED THROUGH LRS SHAKUNTALA VINAYAK
TALEKAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AND OTHERS

Advocate for the Petitioner : Mr. S. S. Gangakhedkar h/f Mr. Kabade Vivek V
AGP for Respondents-State : Mrs. K. R. Jamdhade

CORAM : ARUN R. PEDNEKER, J.

Dated : May 07, 2024

PER COURT :-

1. The learned Advocate for the petitioner challenges the order passed in Land Acquisition Reference No.758 of 2009 dismissing the reference for non-leading of evidence. The learned Advocate for the petitioner further submits that this matter was transferred from various courts on account of reassignment of the jurisdiction. As such, the applicant was not able to lead evidence before the Reference Court. He further submits that this Court passed various orders whereby this Court has remitted the matter back to the Reference Court where the Reference Court dismissed the matters for non-leading of the evidence.
2. The learned Advocate for the petitioner submits that it is settled law that the Reference Court has to decide the reference on merits and not by taking into consideration the evidence available before the Land Acquisition Officer.

3. The learned AGP appearing for the respondent-State submits that the Reference Court has decided the reference on 15/07/2010 and the petition is filed belatedly. He submits that the petition be either dismissed or a conditional order be passed.

4. In view of the submission 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 15/07/2010 till filing of the present petition i.e. 04/04/2024.

5. Having considered the rival submissions, the order passed by the Reference Court is set aside and the matter is remitted back to decide the same on merits. The learned Advocate submits that he would appear before the Reference Court on 25/06/2024.

6. The Reference Court is directed to decide the reference as expeditiously as possible and within one year from the date of receipt of this order.

7. It is further directed that in the event, the petitioner fails to lead evidence, the Reference Court would at liberty to pass appropriate order.

8. In the event, the petitioner succeeds in the reference, he would not be entitled for interest or statutory benefits for the delayed period i.e. from 15/07/2010 till 04/04/2024.

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

(ARUN R. PEDNEKER, J.)

vj gawade/-.