



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

6 WRIT PETITION NO.2634 OF 2024

**GANESH KADU PATIL AND OTHERS
VERSUS
SPECIAL LAND ACQUISITION OFFICER AND
ANOTHER**

...
Advocate for the petitioner : Adv.Ishwar K. Wagh h/f.
Adv.K.M.More
AGP for Respondent-State : Adv.R.R.Tandale

...
WITH

7 WRIT PETITION NO. 2635 OF 2024

**RAGHUNATH KISAN PATIL DEAD THROUGH LRS
VIKAS RAGHUNATH PATIL AND OTHERS
VERSUS
SPECIAL LAND ACQUISITION OFFICER AND
ANOTHER**

...
Advocate for the Petitioner : Adv.Ishwar K. Wagh h/f.
Adv.K.M.More
AGP for Respondent-State : Adv.P.R.Bharaswadkar

...
CORAM : ARUN R. PEDNEKER, J.

DATE : 11.03.2024

P.C. :

1] By way of present writ petitions, the petitioners are challenging the judgment and order dated 28.09.2018 passed by Joint Civil Judge Senior Division, Bhusawal, District Jalgaon in LAR No.171/2014 and 170/2014

respectively and remand back the LAR Nos.171/2014 and 170/2014 to the Joint CJSD, Bhusawal for fresh consideration.

2] The learned counsel for the petitioners submits that on 29.06.2022 the Special Land Acquisition Officer passed award. Being aggrieved by the said award, the petitioners filed Reference under Section 18 of Land Acquisition Act, 1984. The learned counsel for the petitioners submits that the Reference Court, by order dated 28.09.2018, rejected References filed by the petitioners on the ground that the petitioners and their advocates were absent on various occasion, so also, on the ground that the petitioners failed to adduce evidence in the references. The learned counsel for the petitioners relies upon the judgment in the case of **Walmik Trimbak Tupe Vs. The State of Maharashtra & others** in Writ Petition No. 12795 of 2019 along with connected writ petitions, decided on 17th January, 2020 wherein this Court has remanded the matter back for fresh consideration and permitted the petitioners

therein to lead oral and documentary evidence in support of their case and decide the references on merits. He further submits that there are various orders passed by this Court, remanding the references back to decide the references on merits after granting an opportunity to the parties to lead the evidence. The learned counsel for the petitioners further submits that the petitioners would not claim interest or statutory benefits for the delay period.

3] The learned AGP for the respondent – State submits that there is delay caused in filing the present writ petition and that the delay may not be condoned.

4] In view of the submissions made, the judgments and orders dated 28.09.2018 passed by Joint Civil Judge Senior Division, Bhusawal, District Jalgaon in LAR No.171/2014 and 170/2014 respectively, are quashed and set aside and remanded the matter back to the Reference Court to decide the same in accordance with law after giving an opportunity of hearing to the petitioners to lead the evidence in the matter.

5] The parties to appear before the Reference Court on 25th April, 2024 so as to enable the Reference Court to grant further dates in the matter. The Reference Court to decide the references, as expeditiously as possible. However, it is directed that in the event the petitioners succeed in the matter, the petitioners would not be entitled to claim interest or statutory benefits for the delayed period from the date of order of dismissal of reference i.e. 28.09.2018 till filing of the present writ petitions i.e. till 05.04.2023.

6] The Writ Petitions are allowed in above terms.

[ARUN R. PEDNEKER]
JUDGE

DDC