



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

44 WRIT PETITION NO. 11719 OF 2023

BHAGWAN AJINATH SHINDE

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH THE COLLECTOR AND OTHERS**

...

Advocate for the Petitioner : Mr. Ramesh Vitthal Naiknavare
AGP for Respondent/State: Mr. B. A. Shinde
Advocate for Respondent No.3 : Mr. G. B. Rajale

...

WITH

WRIT PETITION NO. 11718 OF 2023

AJINATH SADASHIV SHINDE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AND
OTHERS**

...

Advocate for the Petitioner : Mr. Ramesh Vitthal Naiknavare
AGP for Respondent/State: Mr. B. A. Shinde
Advocate for Respondent No.3 : Mr. G. B. Rajale

WITH

WRIT PETITION NO. 10404 OF 2023

RAMKRISHNA MANIKRAO SHINDE AND ANOTHER

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AND
OTHERS**

...

Advocate for the Petitioner : Mr. Ramesh Vitthal Naiknavare
AGP for Respondent/State: Mr. B. A. Shinde
Advocate for Respondent No.3 : Mr. G. B. Rajale

...

WITH

WRIT PETITION NO. 10372 OF 2023

AJINATH SADASHIV SHINDE

VERSUSTHE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AND
OTHERS

...

Advocate for the Petitioner : Mr. Ramesh Vitthal Naiknavare

AGP for Respondent/State: Mr. B. A. Shinde

Advocate for Respondent No.3 : Mr. G. B. Rajale

...

AND

...

92 WRIT PETITION NO. 11716 OF 2023

GOPAL MANIKRAO SHINDE

VERSUSTHE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AND
OTHERS

...

Advocate for the Petitioner : Mr. Ramesh Vitthal Naiknavare

AGP for Respondent/State: Ms. K. R. Jamdhade

Advocate for Respondent No.3 : Mr. G. B. Rajale

...

AND

...

93 WRIT PETITION NO. 11717 OF 2023

GOPAL MANIKRAO SHINDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR

...

Advocate for the Petitioner : Mr. Ramesh Vitthal Naiknavare

AGP for Respondent/State: Mr. V. M. Chate

Advocate for Respondent No.3 : Mr. G. B. Rajale

...

CORAM : ARUN R. PEDNEKER, J.**DATE : 29th APRIL, 2024**

PER COURT:

1. Heard.
2. Mr. Ramesh Vitthal Naiknavare, learned counsel for the petitioners submits that all the references are dismissed on account of non leading of evidence. Against the orders passed by the reference court the petitioners have filed the present writ petitions. It is the contention of the petitioners that this court has held in Writ Petition No.12795 of 2019 and other connected matters, on 17.01.2020 that the reference application has to be decided on merits and not merely by taking into consideration evidence available before the Special Land Acquisition Officer. The learned counsel further submits that there are various orders passed by this court in various writ petitions setting aside the orders of the reference court, which are not decided on merits and remitting the matter back to the reference court to decide the same in accordance with law.
3. Mr. G. B. Rajale, learned counsel appearing for the acquiring body / respondent no.3 submits that, wherever this court has remitted the matter back for decision on merits, this court has passed conditional order not to grant interest or statutory benefits for the delayed period.

4. In pursuance of the submissions made by the learned counsel appearing for respondent no.3, the learned counsel for the petitioners contend that the petitioners would not claim any interest or statutory benefits for the delayed period and in the instant case the petitioners would not claim interest or statutory benefits from the date of the reference court award i.e. 30.01.2023 till the filing of the present writ petitions i.e. 28.07.2023.

5. In view of the submissions made by the learned counsel for the petitioners and considering the submissions of respondent no.3, the impugned orders are quashed and set aside. The matter is remitted back to the reference court to decide the same on merits by permitting the petitioners to lead evidence before the reference court.

6. The learned counsel for the petitioners submits that the petitioners would appear before the reference court on 24.06.2024, in view of the interim vacation so as to enable the reference court to grant further dates in the matter. The reference court to decide the reference as expeditiously as possible and preferably within a period of one (01) year from June-2024. In the event, the petitioners fail to lead evidence before the reference court, the reference court would be entitled to pass appropriate orders.

7. It is further directed that in the event the petitioners succeeds in the matter, the petitioners would not be entitled to interest or statutory benefits from the date of the reference court award i.e. 30.01.2023 till the filing of the present writ petitions i.e. 28.07.2023.

8. With the above observations, the writ petitions are disposed of.

[ARUN R. PEDNEKER, J.]

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