



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

49 WRIT PETITION NO. 11467 OF 2023

Vishnupant Gangadhar

...Petitioner

VERSUS

1. The State Of Maharashtra,
2. The Executive Engineer, Minor Irrigation.

...Respondents

...

Advocate for the Petitioner : Mr.P.V.Ambad h/f Mr. Kendre Namdev D

AGP for Respondents-State : Ms. Kavita R. Jamdhade

Advocate for Respondent No.2 : Mr.Rakesh Brahmarkar h/f N. L. Jadhav

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CORAM : ARUN R. PEDNEKER, J.

Dated : August 05, 2024

ORAL ORDER :-

1. Heard.
2. Learned Counsel for the petitioner submits that Land Acquisition Reference No.55/2014 was dismissed on account of non leading of evidence. Relying upon the Judgment of this Court dated 04/04/2024 in Writ Petition No.9164/2012 she submits that where the Reference is dismissed for non leading of evidence by the parties, this Court has set aside the order of Reference Court and remitted the matter back to the Reference Court with liberty to lead evidence holding that the reference Court has to decide the Reference on merits and not to dismiss the same on account of non leading of evidence of the claimants.
3. The learned AGP does not dispute the proposition of law that where the evidence is not led by the parties this court has remitted the matter back as directed in the above order passed in Writ Petition No.9164/2012. However, she submits that there is a huge delay in approaching this court

and the order dated 02/01/2020 is challenged in the present writ petition.

4. In response to the submissions of the learned AGP, the learned counsel for the petitioners submits that the petitioner would not claim any interest or statutory benefit for the delayed period from the date of the dismissal of the reference i.e. 02/01/2020 in LAR No.55/2014 till the filing of the present writ petition on 21.08.2023.

5. In view of the submission made, the award of the reference court is set aside and the matter is remitted back to the reference court to decide it in accordance with law. The learned counsel for the petitioner submits that the petitioner would remain present before the reference court on 03/09/2024 and will lead evidence as per the date given by the reference court. The reference court to decide the reference as expeditiously as possible and in any event within one (01) year from the date of production of this order. In the event, the reference court answers the reference in favour of the claimants, the claimants would not be entitled for the interest and statutory benefits from the date of the impugned order in LAR till filing of the present writ petition, as mentioned above.

6. The writ petition is accordingly disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.