



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 WRIT PETITION NO. 886 OF 2022

ANUSAYABAI KRUSHNATH DEOKATE DECEASED THR LRS
TULSABAI BHIMRAO CHORMALE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR

...

Advocate for the Petitioners :

Mr. N. D. Kendre h/f. Mr. Pradeep V Ambade

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

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 06th AUGUST, 2024

PER COURT:

1. By the present petition the petitioners challenge the order passed by the reference court dismissing the reference on the ground of non leading of evidence. It is brought to my notice an order dated 02.01.2024, passed in Writ Petition No.723 of 2022, whereby this court has considered the earlier order passed by this court and has held that the reference court has to decide the matter on merits and not to dismiss the same on the basis of the evidence which was available before the Special Land Acquisition Officer.

2. Learned counsel for the petitioners submits that the original claimant expired on 30.10.2008. The reference court rejected the

reference on 03.08.2006 and the present petition is filed by the legal heirs.

3. The learned AGP submits that the reference court has decided the reference on 03.08.2006 and there is delay in filing the present writ petition.

4. Considering the objection raised by the learned AGP, the learned counsel for the petitioners submits that the petitioners would not claim any interest or statutory benefits for the delayed period from the date of dismissal of the reference till the date of filing of the present petition i.e. 22.12.2021.

5. In view of the submissions, the order of the reference court is set aside and the matter is remitted back to the reference court to decide it afresh. The present petitioners are permitted to lead the evidence before the Reference Court. The learned counsel for the petitioners undertakes that the petitioners would remain present before the reference court, on 12.08.2024, so as to enable the reference court to give further dates in the matter. The reference court to decide the reference as expeditiously as possible. In the event, the claimants fail to lead further evidence before the reference court, the reference court would be entitled to pass appropriate orders.

6. The writ petition is disposed of accordingly.

[ARUN R. PEDNEKER, J.]

marathe