



**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 1231 OF 2024

Chandrakant Sitaram Mangdare
Age 45 yrs., Occu. Agril.,
R/o. Raona, Post Paranda,
Tal. Ambad, Dist. Jalna.

....Petitioner

Versus

1. The State of Maharashtra
Through Collector, Jalna
Tq. & Dist. Jalna.
2. The Special Land Acquisition Officer,
(B & C), Jalna.
3. The Executive Engineer,
Minor Irrigation Division,
Jalna.

....Respondents

Mr. A.M. Hajare, Advocate for the petitioner.

Mrs. P.R. Bharaswadkar, AGP for respondents.

WITH
WRIT PETITION NO. 1587 OF 2024

Shaikh Wahab Shaikh Mansoor
Age 61 yrs., Occu. Agril.,
R/o. Tadhadaon, Tal. Ambad,
Dist. Jalna.

....Petitioner

Versus

1. The State of Maharashtra
Through Collector, Jalna
Tq. & Dist. Jalna.
2. The Special Land Acquisition Officer,
(B & C), Jalna.
3. The Executive Engineer,
Minor Irrigation Division,
Jalna.

....Respondents

Mr. A.M. Hajare, Advocate for the petitioner.

Ms. R.R. Tandale, AGP for respondents.

WITH
WRIT PETITION NO. 1591 OF 2024

Eknath Bhanudas Chimne
Age 53 yrs., Occu. Agril.,
R/o. Raona, Post Paranda,
Tal. Ambad, Dist. Jalna.

....Petitioner

Versus

1. The State of Maharashtra
Through Collector, Jalna
Tq. & Dist. Jalna.
2. The Special Land Acquisition Officer,
(B & C), Jalna.
3. The Executive Engineer,
Land Drainage Division,
Jayakwadi Project, Paithan,
Tal. Paithan, Dist. Aurangabad.

....Respondents

Mr. A.M. Hajare, Advocate for the petitioner.

Mr. V.M. Chate, AGP for respondents.

CORAM
DATED

: ARUN R. PEDNEKER, J.
: 14/03/2024

JUDGMENT :

1. Rule. Rule made returnable forthwith. By consent, heard finally.
2. Heard the learned Advocate appearing on behalf of the respective parties.
3. The learned Advocate for the petitioners submits that the Reference Court dismissed the reference on account of the fact that the petitioners failed to lead evidence before the Reference Court. The learned Advocate for the petitioners submits that the reference application was filed before the Collector and the matter was referred to the Reference Court. The

reference Court dismissed the reference for non leading evidence by the claimants. He relies upon the Judgment of this Court in Writ Petition No.12795 of 2019 and other connected matters dated 17/01/2020, and submits that the Reference Court should decide the Reference Application on merits and not by taking into consideration the evidence available before the Special Land Acquisition Officer. He further submits that in identical fact situation, this Court has remanded matter for leading evidence before the Reference Court.

4. The learned AGP has not seriously disputed the legal proposition canvassed, however submits that there is a huge delay in filing the writ petitions and that on account of delay the petitions be dismissed or a conditional order be passed.

5. In view of the submission canvassed by the learned AGP, the learned Advocate appearing for the petitioners submits that the petitioners would not claim the interest or statutory benefits for the delay period from the date of the Reference Court order till date of filing of the writ petition.

6. In view of the submissions made, the awards passed by the Reference Court are set aside and the matters are remitted back to the Reference Court for deciding the Reference on merits.

7. The petitioners are permitted to lead evidence before the Reference Court.

8. The learned Advocate for the petitioners submits that the petitioners would appear before the Reference Court on 15/04/2024 and that the petitioners would also tender their evidence before the Reference Court on the date given by the Reference Court.

9. The Reference Court to decide the Reference expeditiously. However, it is made clear that in the event the Reference is answered in favour of the petitioners, the petitioners would not be entitled for interest or statutory benefits for the delay period from the date of the impugned order till the date of the filing of the present writ petition.

10. In view of the above, the present writ petitions are allowed.

Rule made absolute in above terms.

[ARUN R. PEDNEKER J.]

SSC/