



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

908 WRIT PETITION NO. 972 OF 2024

1. Vijay Ramkrushna Patil
Age 67 yrs, Occu. Agri.,
R/o. Dahigaon, Tq. Pachora,
Dist. Jalgaon.Petitioner

VERSUS

1. The Special Land Acquisition Officer,
Uppar Tapi Project Hatnur-III, Jalgaon.
2. Executive Engineer,
Medium Project Division, Jalgaon.Respondents

.....
Advocate for the Petitioner : Mr. I.K. Wagh h/f. Mr. K.M. More
AGP for Respondents : Mrs. P.R. Bharaswadkar

...

910 WRIT PETITION NO. 976 OF 2024

Baliram Vitthal Patil
Age 70 yrs, Occu. Agri.,
R/o. Dahigaon, Tq. Pachora,
Dist. Jalgaon.Petitioner

VERSUS

1. The Special Land Acquisition Officer,
Uppar Tapi Project Hatnur-III, Jalgaon.
2. Executive Engineer,
Medium Project Division, Jalgaon.Respondents

.....
Advocate for the Petitioner : Mr. I.K. Wagh h/f. Mr. K.M. More
AGP for Respondents : Mrs. K.R. Jamdhade

...

912 WRIT PETITION NO. 978 OF 2024

Lalsing Hilal Patil
Age 70 yrs, Occu. Agri.,
R/o. Dahigaon, Tq. Pachora,
Dist. Jalgaon.Petitioner

VERSUS

1. The Special Land Acquisition Officer,
Uppar Tapi Project Hatnur-III, Jalgaon.
 2. Executive Engineer,
Medium Project Division, Jalgaon.Respondents
-
 Advocate for the Petitioner : Mr. I.K. Wagh h/f. Mr. K.M. More
 AGP for Respondents : Mr. V.M. Chate
 ...

914 WRIT PETITION NO. 982 OF 2024

1. Vijay Ramkrushna Patil,
Age 67 yrs, Occu. Agri.,
(G.P.A. for applicant no. 2 to 4)
2. Sau. Shobhabai Premsing Patil,
Age 60 yrs, Occu. Agri.,
3. Arunabai w/o. Ramkrishna Patil
Deceased Through its legal heir 1,2 & 4
4. Shri. Vilas Ramkrishana Patil,
Age 57 yrs, Occu. Agri.,
All R/o. Dahigaon, Tq. Pachora,
Dist. Jalgaon.Petitioners

VERSUS

1. The Special Land Acquisition Officer,
Uppar Tapi Project Hatnur-III, Jalgaon.
 2. Executive Engineer,
Medium Project Division, Jalgaon.
Tq. & Dist. Jalgaon.Respondents
-
 Advocate for the Petitioner : Mr. I.K. Wagh h/f. Mr. K.M. More
 AGP for Respondents : Mrs. P.R. Bharaswadkar
 ...

917 WRIT PETITION NO. 1005 OF 2024

1. Ramchandra Nawalsing Patil
Age 57 yrs, Occu. Agri. & household,
R/o. Warsade (Pra. bo), Tq. Pachora,
Dist. Jalgaon.
2. Rajaram Nawalsing Patil,
Age 55 yrs., Occu. Agri. & household,
R/o. Warsade (Pra. bo), Tq. Pachora,
Dist. Jalgaon.Petitioners

VERSUS

1. The Special Land Acquisition Officer-3,
Uppar Tapi Project Hatnoor Class,
Jalgaon, Dist. Jalgaon.
2. Executive Engineer,
Bahula Medium Project, Jalgaon.
3. Bank of Baroda, Branch Nandra,
Tq. Pachora, Dist. Jalgaon.
4. Varsade,
Pra. Bo. Vi. Ka. Society, Jalgaon.
5. Maharana Pratap Nagari Sahakari
Patsantha, Jalgaon.Respondents

.....
 Advocate for the Petitioner : Mr. I.K. Wagh h/f. Mr. K.M. More
 AGP for Respondents : Mr. V.M. Chate
 ...

922 WRIT PETITION NO. 1033 OF 2024

Mango Bhanudas Patil
 Age 67 yrs, Occu. Agri.,
 R/o. Warsade (Pra. bo), Tq. Pachora,
 Dist. Jalgaon.Petitioner

VERSUS

1. The Special Land Acquisition Officer-3,
Uppar Tapi Project Hatnoor Class
2. Executive Engineer,
Bahula Medium Project, Jalgaon.Respondents

.....
 Advocate for the Petitioner : Mr. I.K. Wagh h/f. Mr. K.M. More
 AGP for Respondents : Mrs. K.R. Jamdhade
 ...

924 WRIT PETITION NO. 1036 OF 2024

Mango Bhanudas Patil
 Age 67 yrs, Occu. Agri.,
 R/o. Warsade (Pra. bo), Tq. Pachora,
 Dist. Jalgaon.Petitioner

VERSUS

1. The Special Land Acquisition Officer-3,
Uppar Tapi Project Hatnoor Class
 2. Executive Engineer,
Bahula Medium Project, Jalgaon.Respondents
-
- Advocate for the Petitioner : Mr. I.K. Wagh h/f. Mr. K.M. More
AGP for Respondents : Mrs. K.R. Jamdhade
...

926 WRIT PETITION NO. 1097 OF 2024

Nivrutti Mukhtyarsing Patil
Age 65 yrs, Occu. Agri.,
R/o. Dahigaon, Tq. Pachora,
Dist. Jalgaon.Petitioner

VERSUS

1. The Special Land Acquisition Officer,
Uppar Tapi Project Hatnur-III, Jalgaon.
 2. Executive Engineer,
Medium Project Division, Jalgaon.Respondents
-
- Advocate for the Petitioner : Mr. I.K. Wagh h/f. Mr. K.M. More
AGP for Respondents : Mr. V.M. Chate
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CORAM : ARUN R. PEDNEKER, J.
Dated : January 30, 2024

ORAL 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. However, the petitioners were not aware of the further proceedings, and as such, no steps were taken by them to lead evidence before the Reference Court. He relies upon the Judgment of this Court in **Writ Petition No.12795 of 2019 (Walmik s/o. Trimbak Tupe Vs. The State of Maharashtra and Anr.)** 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, in **Writ Petition No. 210/2024 (Sanjay s/o. Ashok Mitkari Vs. The State of Maharashtra & Ors.)** and other connected matter, this Court by judgment and order dated 9.1.2024, 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 petition and that on account of delay the petition 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 award passed by the Reference

Court is set aside and the matter is 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 he would appear before the Reference Court on 05/02/2024 and that he would also tender his 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 petitioner, the petitioner would not be entitled for interest or statutory benefits for the delay period from the date of the impugned order of the Reference Court till the date of the filing of the present writ petitions.

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

Rule made absolute in above terms.

[ARUN R. PEDNEKER J.]

SSC/