



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

37 FIRST APPEAL NO. 573 OF 2006

BABASAHEB BALAJI WAKHARE AND ANR

VERSUS

THE STATE OF MAHARASHTRA

Mr. D.R. Jaybhar, Advocate for the appellants.
Mrs.M.N. Ghanekar, APP for the respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 05.08.2025

PC :-

01. Heard learned Advocate for the appellants. The appellants had filed proceeding under section 18 of the Land Acquisition Act bearing LAR No. 171 of 1995 in the Court of learned District Judge, Beed. Said proceeding was filed without making the Acquiring Body as a party. The land was acquired by Godavari Marathwada Irrigation Development Corporation. Since the Acquiring Body itself was not a party, no execution could be filed against the Acquiring Body. The appellants are not in a position to get compensation. The appeal is also filed for enhancement. The learned Advocate for the appellants has produced on record various orders passed by this Court remanding the matters back to the Reference Court i.e. F.A. No. 289 of 2014 with connected appeals, F.A. No. 189 of 2012 with connected appeals etc.

02. In view of those orders, this Court finds that the matter can be remanded back to the Reference Court.

03. Therefore, this matter is remanded back to the Reference Court. The appellants shall make the Acquiring Body as a party. The Acquiring Body to file written statement at the earliest. The learned Reference Court shall dispose off the Reference at the earliest, preferably within a period one year from today. The matter is remanded only to give an opportunity to the Acquiring Body. No fresh evidence to be given by the appellants and the matter shall be decided on the same evidence the evidence already given by the appellant and if any produced by the Acquiring Body.

04. The First Appeal is accordingly disposed off.

[KISHORE C. SANT, J.]