



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 4778 OF 2024

RAMRAO LAXMAN RAUT (DIED) THROUGH L.RS. i.e.
PETITIONER NO.2 HEREINBELOW
BHASKAR S/O RAMRAO RAUT AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR, AURANGABAD AND OTHERS

...
Advocate for Petitioners : Mr. C.T. Jadhav
AGP for Respondent/State : Mr. V.M. Chate
Advocate for Respondent no.2 : Mr. S.S. Deve
...

CORAM : ROHIT W. JOSHI, J.

DATED : 20th August, 2025

PER COURT :

1. The present petition is filed challenging the judgment dated 13.06.2016 passed by the learned Joint Civil Judge, Senior Division, Vaijapur dismissing the Land Acquisition Reference No.248/2010 (old No.152/2004) initiated at the behest of the petitioners under Section 18 of the Land Acquisition Act, 1894.

2. The learned Reference Court had framed issues in the matter, however, for an inordinate long period, the petitioners did not lead any evidence in the matter, as a consequence of which the learned Reference Court decided the proceedings vide judgment dated 13.06.2016 on the basis of available material without recording any evidence.

3. The learned counsel for the petitioner draws attention to the judgment dated 17th January, 2020 passed in Writ Petition No.12795/2019 and other connected matters where in similar set of facts this Court has held that such adjudication of reference is not an adjudication on merits and it is rather dismissal of reference in default, which is impermissible.

4. In view of the above, judgment dated 13.06.2016 passed by the learned Joint Civil Judge, Senior Division, Vaijapur in L.A.R. No.248/2010 is quashed. The matter is remanded back to the learned Reference Court for adjudication afresh in accordance with law.

5. The facts of the case show colossal lethargy on the part of the petitioners in prosecuting the reference proceedings. The reference in the present matter was presented on 17.07.2004 and was registered on 26.07.2004. It is apparent that the petitioners did not prosecute the matter for a period of around 12 years. Although, the reference is dismissed vide judgment dated 13.06.2016, the petition is filed on 19.04.2024.

6. In that view of the matter, it will not be equitable to fasten the liability of interest on the respondents for the intervening period. It is, therefore, directed that in the event the amount of compensation is

enhanced, the petitioner will not be entitled to interest on the enhanced amount of compensation from 17.07.2004 till 20.08.2025.

7. The writ petition is disposed of in the aforesaid terms.

No order as to costs.

[ROHIT W. JOSHI]
JUDGE

Bacchewad/