



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

**913 WRIT PETITION NO. 7999 OF 2024**

SHALIGRAM KANHAIYALAL JAISWAL DIED THRH HEIR  
MAHADEO DIED THR LRS ANAND MAHADEO JAISWAL

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER AND OTHERS

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Advocate for Petitioner : Mr. I.K. Wagh h/f Mr. More Kumar Gaurav M.

AGP for Respondent/State : Mr.B.B. Bhise

Advocate for Respondent no.2 : Mr. Palodkar Devdatt P.

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**CORAM : ROHIT W. JOSHI, J.**

**DATED : 12<sup>th</sup> June, 2025**

**PER COURT :**

1. The present petition is filed challenging the judgment dated 19.10.2018 passed by the learned Joint Civil Judge, Senior Division, Bhusawal dismissing the Land Acquisition Reference No.298/2014 (old No.973/2006) initiated at the behest of the petitioner 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 petitioner did not lead any evidence in the matter. As a consequence of which the learned Reference Court decided the proceedings vide judgment dated 19<sup>th</sup> October, 2018 without recording any evidence on the basis of available material.

3. The learned counsel for the petitioner draws attention to the judgment dated 17<sup>th</sup> 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 aforesaid judgment dated 19<sup>th</sup> October, 2018 passed by the learned Joint Civil Judge, Senior Division, Bhusawal in L.A.R. No.298/2014 is quashed. The matter is remanded back to the learned Reference Court for adjudication a fresh in accordance with law.

5. The facts of the case show colossal lethargy on the part of the petitioner in prosecuting the reference proceedings. The reference in the present matter was presented on 01.01.2001. It was however registered on 14.11.2006. It is apparent that the petitioner did not take effective steps even for completing the office formalities for registration of the reference. From 14.11.2006 till 19<sup>th</sup> October, 2018, again the petitioner did not prosecute the matter effectively. Although, the reference is dismissed vide judgment dated 19<sup>th</sup> October, 2018, the petition is filed on 30<sup>th</sup> July, 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 01.01.2001 till 12<sup>th</sup> June, 2025.

7. In view of trifurcation of the Maharashtra State Electricity Board, the appropriate company is at liberty to file proper written statement, if so desire.

8. The Reference Court to decide reference on or before 31<sup>st</sup> December, 2025. The parties to appear before the learned Reference Court on 15<sup>th</sup> July, 2025. Separate notice will not be issued in the matter for appearance.

**[ROHIT W. JOSHI]**  
**JUDGE**

sga/