



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6559 OF 2024

Shankar Channappa Shetgar

VERSUS

The State Of Maharashtra Through Collector

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Mr. P. V. Ambade, Advocate for the Petitioner

Mr. B. B. Bhise, AGP for Respondent-State

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CORAM : ROHIT W. JOSHI, J.

DATED : 01ST JULY, 2025

PER COURT :-

. The petition challenges judgment and order dated 25.03.2008, passed by the learned Civil Judge, Senior Division, Omerga dismissing Land Acquisition Reference No. 242 of 2004 (old no. 288 of 1994). Although, it appears that the matter was decided on merits after framing issues, it is apparent that the reference is dismissed because the petitioners/claimants did not lead any evidence in the matter. In effect, the reference was dismissed in default which is not permissible.

2. In view of the above, the petition is **allowed** by quashing and setting aside the judgment and order dated 25.03.2008 passed by learned Civil Judge, Senior Division, Omerga in

Land Acquisition Reference no. 242 of 2004 and further directing the learned Reference Court to decide the matter on merits.

3. However, having regard to the fact that the judgment and order is dated 25.03.2008 and the petition is filed after a period of around fifteen (15) years, cost of Rs. 10,000/- is imposed on the petitioner. Cost to be paid to the concerned Advocate, Bar Association at Omerga.

4. Considering the inordinate delay, it will not be equitable to fasten liability of interest on the respondents. Therefore, it is directed that the petitioners/claimants will not be entitled to interest on the enhanced amount of compensation, if any, from the date on which the reference application was received by the learned Civil Court i.e. from 16.03.1994 till today.

5. Parties to appear before the learned Reference Court on 28.07.2025. Separate notice for appearance will not be issued by the learned Reference Court.

[ROHIT W. JOSHI, J.]