

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5959 OF 2023

Piraji Dhondiba Khoje

VERSUS

The State Of Maharashtra Through Its Principal Secretary And Others

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Advocate for the Petitioner : Mr. Rodge Suresh N.

AGP for Respondent/State : Mr. K.B. Jadhavar

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 04, 2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. The petitioner challenges the judgment and award dated 10.01.2012 by learned IInd Joint Civil Judge, Senior Division, Aurangabad, in L.A.R. No.101/2004, whereby the reference was dismissed.
3. Learned Counsel for the petitioner submits that, the learned Reference Court dismissed the reference on the ground that the claimants failed to lead evidence and that no material was placed on record to decide the matter on merits.
4. Learned A.G.P appearing for respondent Nos.1 and 2 supports the order.
5. The learned Reference Court while dismissing the reference, has recorded the reasons in paragraph No. 7, which reads as under :

“It is well settled that, claimant must prove compensation awarded is inadequate. In present case, though opportunity was given to the claimant to adduce evidence, he failed. Ongoing through contents of award (Exh. 19), it is clear, SLAO considered sale instances and rate received from the Town Planner, to fix market price of the open land. It is also revealed, SLAO considered D.S.R. applicable for the year 1992-93 to fix market price of the structure.’

6. Thus, it reveals that the reference was not decided on merits. Since the issue pertains to acquisition of land belonging to an agriculturist, in the interest of justice and to afford one more opportunity, the matter deserves to be remanded by setting aside the impugned order.

7. In view thereof, the Writ Petition is partly allowed. The judgment and award dated 10.01.2012 by learned IInd Joint Civil Judge, Senior Division, Aurangabad, in L.A.R. No.101/2004 is quashed and set aside.

8. The matter is remanded to the Reference Court to decide it afresh.

9. The petitioner is permitted to lead the evidence in support of the claim. Since the reference was dismissed on 10.01.2012 without recording evidence, the claimants shall not be entitled to claim interest on the enhanced amount for the period from 10.01.2012 till today.

(3)

10. Pending civil applications, if any, also stand disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

Mujaheed//