



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

96 WRIT PETITION NO. 10529 OF 2024

Khushal Govind Jagtap (Died)
Thr. Lrs.

1. Vanmala Khushal Jagtap
Age : 54 yrs. Occu. Agri.
2. Ramesh Khushal Jagtap
Age : 33 yrs. Occu. Agri.

Both R/o. Ingonda, Tq. Paranda
Dist. Osmanabad

...Petitioners

VERSUS

1. The State Of Maharashtra
Through The Collector
At Osmanabad
2. The Deputy Collector
Land Acquisition Officer at Bhoom
Tq. Bhoom, Dist. Osmanabad
3. The Executive Engineer
Seema- Kolegaon Project, Division Paranda
Tq. Paranda, Dist. Osmanabad

...Respondents

...
Mr. Abhijit S. More, Advocate for the Petitioners
Mr. B. B. Bhise, AGP for Respondent Nos. 1 & 2.

...
CORAM : ROHIT W. JOSHI, J.
DATE : 18th AUGUST, 2025

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the parties.
2. The petitioner/land owner at whose behest a reference under

Section 18 of the Land Acquisition Act, 1894 being Land Acquisition Reference No.128 of 2023 was made. The reference came to be dismissed vide judgement and order dated 05.07.2024 passed by the learned Civil Judge Senior Division, Paranda.

3. The learned Counsel for the petitioner refers to the judgment and contends that the same is dismissed on account of failure on the part of the petitioner/land owner to lead evidence and as such it amounts to dismissal for want of prosecution.

4. It is now well settled that dismissal of a reference on account of failure of petitioner/land owner to lead evidence is not permissible since it amounts to dismissal of the reference in default. The learned Advocate for the petitioner has placed reliance on judgment of this Court in Writ Petition No. 2773 of 2021 (Aurangabad Bench) in support of his contention.

5. Having perused the impugned judgment and order, it is clear that the reference is not decided on merits but dismissed since the petitioner did not lead evidence. In view of the above, judgment and order dated 05.07.2024 passed by the learned Civil Judge Senior Division, Paranda in Land Acquisition Case No.128 of 2023 is quashed and set aside.

6. The learned Reference Court is directed to decide the reference

on merits in accordance with law. The parties shall appear before the learned Reference Court on 22.09.2025 for which separate notice/summons will not be issued.

7. Having regard to the conduct of the petitioner, he will not be entitled for interest on the amount of enhanced compensation (market value and statutory benefits), if any, from 12.09.2023 i.e. date on which reference received by the learned Civil Judge, Senior Division till 28.08.2024 i.e. the date of filing of the present petition.

8. Parties to bear their own costs. Writ Petition is **disposed** of accordingly.

[ROHIT W. JOSHI J.]