



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 WRIT PETITION NO. 11351 OF 2024

Sidram Yeshwant Patil (Died) through LRs Aruna Sidram Kadam (Died)
through LRs Laxmi Sidram Kadam And Ors.

VERSUS

The State Of Maharashtra Through
The District Collector And Others

AND

21 WRIT PETITION NO. 11353 OF 2024

Yadhav Krishna Tarmode (Died) through LRs
Janardhan Yadhav Tarmode And Others

VERSUS

The State Of Maharashtra Through
The District Collector And Others

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- Mr. P. B. Rakhunde, Advocate for the Petitioners in both WPs.
- Mr. V. S. Badakh and Mr. B. B. Bhise, AGPs. For Respondent/s – State in both WPs.
- Mr. S. S. Dande and Mr. R. C. Patil, Advocates for Respondent No. 3 in both WPs.

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CORAM : ROHIT W. JOSHI, J.
DATE : JUNE 30, 2025

ORDER :

1. On a motion made by the learned counsel for the petitioners, permission is granted to delete the name of respondent no. 4 in Writ Petition No. 11351 of 2024. Deletion is permitted at the risk of the petitioners. Necessary amendment be carried out forthwith.

2. The petition challenges judgment and order dated

18.11.2013 passed by the learned Civil Judge, Senior Division, Omerga dismissing Land Acquisition Reference No. 645 of 2009 (old no. 92 of 2008). 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.

3. In view of the above, the petition is **allowed** by quashing and setting aside the judgment and order dated 18.11.2013 passed by learned Civil Judge, Senior Division, Omerga in Land Acquisition Reference no. 645 of 2009 and further directing the learned Reference Court to decide the matter on merits.

4. However, having regard to the fact that the judgment and order is dated 18.11.2013 and the petition is filed after a period of around eleven (11) years, costs of Rs. 10,000/- are imposed on the petitioners. Cost be paid to the concerned Advocates' Bar Association at Omerga.

5. 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 07.03.2008 that is the date on which the reference application was received by the learned Civil Court till today.

6. Parties to appear before the learned Reference Court on **28.07.2025**. Separate notice for issuance will not be issued.

[ROHIT W. JOSHI, J.]