



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1037 WRIT PETITION NO. 12922 OF 2023

CHANDRABHAN TABAJI MISAL

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 Respondents/State : Mr.R.B.Dhaware

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 12.12.2025

PER COURT :

1. Heard both the sides.
2. The petitioners are taking an exception to the judgment and award dated 23.11.2022 passed by learned Joint Civil Judge, Senior Division, Vaijapur, District Aurangabad in L.A.R. No.221/2011, thereby dismissing the reference in the absence of the petitioners.
3. Petitioners are the claimants whose land was acquired and award was passed on 23.11.2022. Being aggrieved, they preferred L.A.R. No. 221 of 2011. Petitioners did not adduce any oral or documentary evidence before the Reference Court. They did not punctually prosecute the reference and in their absence, reference was dismissed by the impugned judgment and award.
4. Learned Counsel for the petitioners is relying on the judgment dated 17.01.2020 passed by the coordinate bench in the

matter of **Walmik Trimbak Tupe Vs. State and Another in Writ Petition No.1279/2019** and the connected matters. He would pray to pass similar order in the present petition.

5. Learned AGP Mr.Dhaware vehemently opposes the submission of the petitioners. He would submit that petitioners are the fence sitters. After the impugned judgment and award, there is inordinate delay for them to file the writ petition in High Court. There is no convincing and plausible explanation for the inordinate delay. Learned Reference Court has rightly rejected the reference on merit. He would therefore pray to dismiss the petition.

6. The petitioners did not adduce evidence when their reference was pending. They failed to prosecute it diligently. Even after, dismissal of the reference, they did not approach this Court in time. Present petition is filed on 06.09.2023. The huge delay in approaching this Court is attributable to the petitioners. However the petitioner wants to lead evidence and prosecute the matter on merits. As it is the matter of acquisition of the land, I deem it appropriate to grant one opportunity. Besides that, I propose to follow the same reasons and the course as done by the coordinate bench in the matter of **Walmik Trimbak Tupe** (supra).

7. Learned Counsel for the petitioners, on instructions, submits that his clients are ready to forego interest from 23.11.2022 to 06.09.2023. This statement can be accepted for relegating the parties to the Reference Court. I, therefore, pass following order :

ORDER

(i) The judgment and award dated 23.11.2022 passed by the Joint Civil Judge, Senior Division, Vaijapur, District Aurangabad in L.A.R. No.221 of 2011 is quashed and set aside.

(ii) The parties are relegated to the Reference Court by restoring **L.A.R. No.221 of 2011** to its original position. Petitioners shall appear before the Reference Court on 13.01.2026.

(iii) The concerned Reference Court shall permit the parties to lead oral and documentary evidence in support of their rival contentions.

(iv) The Reference Court shall dispose of Land Acquisition Reference as expeditiously as possible and preferable within period of six months from 13.01.2026.

(v) The petitioners shall cooperate for expeditious disposal of the Reference Petition.

(vi) Writ Petition is allowed in the above terms.

(SIDDHESHWAR S. THOMBRE, J.)