



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

972 WRIT PETITION NO. 13331 OF 2022

GOPAL BALASAHEB KULKARNI ALIAS JADHAV

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND
OTHERS

...

Advocate for the Petitioner : Mr. Rakhunde Pravin B.

AGP for Respondent/State : Mr.V.S. Badakh

...

CORAM : ROHIT W. JOSHI, J.

DATED : 18th June, 2025

PER COURT :

1. The learned counsel for the petitioner states that reference filed under Section 18 of the Land Acquisition Act, 1894 is dismissed on the ground of limitation.

2. The contention of the learned counsel for the petitioner that dismissal of reference proceedings on the ground of limitation is not adjudication on merits is liable to be rejected since the issue of limitation is decided on merits.

3. Dismissing a reference on the ground of limitation is certainly adjudication of reference. The issue of limitation is decided on merits. Dismissal of a suit on the issue of limitation after trial results in a decree. Same analogy will apply to a reference under Section 18 of the Land Acquisition Act, 1894. The reference is decided on merits.

Therefore, the petition is dismissed granting liberty to the petitioner to file Appeal under Section 54 of the Land Acquisition Act.

[ROHIT W. JOSHI]
JUDGE

sga/