

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14810 OF 2023

Rohini Ramakant Kulkarni

VERSUS

The State Of Maharashtra Through The Collector And Others

...

Advocate for the Petitioner : Mr. Wakure Sambhaji S.

AGP for Respondent/State : Mr. S.G. Joshi

Advocate for Respondent No.3 : Mr. G.S. Khaire h/f Mr. S.S. Dande

...

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 15.06.2016 by learned IInd Joint Civil Judge, Senior Division, Osmanabad, in L.A.R. No.965/2011, 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 Nos. 5 and 6, which reads as under :

“5. The Claimant was given sufficient opportunities. But he failed to adduce his evidence in support of his claim of enhanced compensation amount for the acquired land. Therefore, the matter proceeded without his evidence on merit. On the other hand, the Respondents also not filed any documentary evidence on record. Matter is very old hence perused record and proceeded further.

6. In the proceeding under Section 18 of the L.A. Act, it is necessary to determine whether the Land Acquisition Officer awarded proper and adequate compensation reflecting the true market value of the acquired land on the date of notification under Section 4 of the Act. Therefore, it is the duty of the Claimant to adduce evidence and prove that compensation awarded was inadequate and insufficient. However, in the present case, the claimant utterly failed to adduce any sort of evidence. Even he could not submit the basic documentary evidence i.e. copy of Award and the 'E' Statement concerning the land acquisition proceeding in the present matter. Therefore, I am of the opinion that the compensation amount awarded by the L.A.O. was proper and adequate. The market price determine by the LAO on the date of notification under Section 4 of the Act was correct. Claimant has failed to prove that the compensation amount awarded by the L.A.O. was less and inadequate. Therefore, the Claimant is not entitled to the enhanced compensation for his acquired land. Hence, issue no. 1 & 3 are answered in negative.”

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 15.06.2016 by learned IInd Joint Civil Judge, Senior Division, Osmanabad, in L.A.R. No.965/2011 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 15.06.2016 without recording evidence, the claimants shall not be entitled to claim interest on the enhanced amount for the period from 15.06.2016 till today.

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

(SIDDHESHWAR S. THOMBRE, J.)