



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO. 5000 OF 2024

KISHABAI VENKATI GUNALE
VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR, LATUR
AND ANOTHER

CORAM : R. M. JOSHI, J.
DATE : 9th APRIL, 2025

PER COURT :-

1. *Suo moto*, this motion is moved for speaking to minutes of order dated 21st March, 2025 to insert following sentence in paragraph No.4 after the words 'of the same' as under:

"the petition deserves to be allowed conditionally. The petitioner, therefore, would not be entitled to receive interest on the enhanced amount of compensation for the aforesaid period."

2. After carrying out necessary corrections, fresh order be uploaded. Motion stands disposed of.

(R. M. JOSHI, J.)

ssp

This order has been corrected pursuant to *suo moto* speaking to minutes order dated 09/04/2025.

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VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR, LATUR
AND ANOTHER**

Mr. A. S. Deshpande, Advocate for the petitioner
Mr. B. A. Shinde, AGP for the respondent/State

**CORAM : R. M. JOSHI, J.
DATE : 21st MARCH, 2025**

PER COURT :-

1. This petition takes exception to dismissal of LAR No. 191/2005 by impugned order dated 03/03/2012. There is no dispute to the fact that land belonging to the Petitioner is compulsorily acquired. Reference was made. However, the Petitioner failed to led evidence and this has resulted into rejection of the reference.
2. Learned counsel for the Petitioner, on instructions, makes a statement that the he will not seeks any monetary relief including interest on the enhanced amount from framing of issues in LAR till filing of proceeding for restoration thereof.
3. The position of law is fairly settled to say that reference

cannot be dismissed in default so also it is not open for the Reference Court to dismiss reference on the basis of evidence collected by SLAO. Since this is a case of compulsory acquisition, Petitioner is entitled to receive reasonable compensation. Interest of justice requires that Land Acquisition Reference is restored. Voluntary statement made by Petitioner about waiving interest for the aforementioned period takes care of the apprehension of the Respondents.

4. In view of this fact and also in view of the statement made by the learned counsel for the petitioner that he will not claim any interest on the enhanced amount of compensation from the date of framing of issues in the reference till filing of proceedings for restoration of the same, **the petition deserves to be allowed conditionally. The petitioner, therefore, would not be entitled to receive interest on the enhanced amount of compensation for the aforestated period.**

5. Since the proceedings are of the year 2005, learned Trial Court is directed to decide the proceeding within a period of six months from today.

6. Petition stands disposed of in above terms.

(R. M. JOSHI, J.)

ssp