



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

956 WRIT PETITION NO. 13811 OF 2024

Vazir s/o Hasan Shaikh
& others

.. Petitioners

VERSUS

The State of Maharashtra & others

.. Respondents

Mr. S. B. Choudhari, Advocate for the Petitioners.
Mr. N. D. Raje, AGP for the State.

CORAM : R. M. JOSHI, J.

DATE : 25th APRIL, 2025.

PER COURT :

1. By consent of both sides, petition is taken up for hearing at the stage of admission.

2. This petition takes exception to the dismissal of LAR No. 620/2011 by impugned judgment and award dated 08.01.2019. There is no dispute about the fact that the land belonging to the Petitioners is compulsorily acquired. Reference was made. However, the Petitioners failed to lead evidence and this has resulted into rejection of the reference.

3. Learned counsel for Petitioners, on instructions, makes a statement that the Petitioners will not claim interest on enhanced amount from the date of framing of issues till this date.

4. 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, Petitioners are entitled to receive reasonable compensation. Interest of justice requires that Land Acquisition Reference is restored. Voluntary statement made by Petitioners about waiving interest takes care of the apprehension of the Respondents.

5. In view of this fact and also in view of the statement made by the learned counsel for the Petitioners that Petitioners will not claim any interest on the enhanced amount of compensation from the date of framing of issues in the reference till this date, petition deserves to be allowed conditionally. The Petitioners, therefore, would not be entitled to receive interest on the enhanced amount of compensation for the foresaid period.

6. Reference Court is directed to dispose of the reference within a period of nine months from today.

7. Petition stands disposed of in above terms.

(R. M. JOSHI)
Judge

dyb