



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1161 OF 2025

RAMBHAU PATILBUVA DARADE DIED THR HIS LRS TULSABAI
RAMBHAU DARADE DIED THR LRS AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR

...

Advocate for the Petitioner : Mr. V.A. Mundhe h/f.
Mr. Abhijeet V. Thombre
AGP for Respondents: Mr. K.K. Naik

...

CORAM : ABASAHEB D. SHINDE, J.

DATE : 12.12.2025

PER COURT:

1. Rule. Rule is made returnable forthwith. Heard finally with the consent of the parties.
2. The petitioners by this writ petition under Article 227 read with Article 226 of the Constitution of India, takes an exception to the judgment and order dated 18.02.2021 passed by the learned Civil Judge, Senior Division, Beed, in Land Acquisition Reference No.253/2007, thereby, rejecting the said Land Acquisition Reference as the petitioners failed to lead their evidence.
3. Undisputedly, the issue involve in this writ petition is already covered by the judgment and order passed by this Court in Writ Petition No.12795/2019 and other connected writ petitions as well as the

judgment and order dated 27.06.2022 passed by this Court in Writ Petition No.8823/2021, wherein, this Court has held that a reference has to be decided on merits since in those matters references were rejected due to failure on the part of the petitioners therein to adduce evidence, this Court held that the reference Court did not decide the references on merits and therefore set aside the orders passed by the Reference Court and restored the references and directed to decide the references on merits.

4. Admittedly, in the present case also the reference is not decided on merits and same is rejected solely on the ground that the petitioners failed to adduce evidence and prosecute the reference diligently. The present case is, therefore, squarely covered by the aforesaid decisions. Hence the following order :

ORDER

- I. The writ petitioner is allowed.
- II. The impugned judgment and order dated 18.02.2021 passed by the learned Civil Judge, Senior Division, Beed, in Land Acquisition Reference No.253/2017 is hereby quashed and set aside.
- III. The matter is relegated back to the concerned Reference Court for decision on merits, after giving an opportunity of hearing to the respective parties.
- IV. The Reference Court shall expedite the hearing of the said

proceedings of reference and decide the same within a period of six (6) weeks from the date of receipt of this order.

- V. Needless to state that the petitioners will cooperate in expedite the decision of the reference.
- VI. Rule is thus made absolute in above terms with no order as to costs.

(ABASAHEB D. SHINDE, J.)