

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 950 OF 2026

Vishnu Govind Lamture

VERSUS

The State Of Maharashtra Through Collector And Others

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Advocate for the Petitioner : Mr. Tele Ashok B.

APP for Respondent/State : Mr. V.K. Kotecha

Advocate for Respondent Nos.4A to 4C : Mr. R.D. Bhise

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : APRIL 29, 2026

PER COURT :-

1. Present petition takes exception to judgment and award dated 01.01.2025 passed by Civil Judge Senior Division, Kalamb in Land Acquisition Reference No.61 of 2020.

2. Learned advocate appearing for petitioner submits that petitioner's land bearing Gat No.276 situated at Village Naygaon, Taluka Kalamb was compulsorily acquired for construction of percolation tank. On 20.01.2005, Land Acquisition Officer passed award under Section 11, however, assessed inadequate compensation. The petitioner made reference under Section 18 of Land Acquisition Act. The Reference Court dismissed reference vide impugned order. It is submitted that initially, reference was filed at Osmanabad. However, it was transferred to Kalamb. The petitioner was not aware about such transfer. Eventually, he could not lead evidence which led Reference Court to pass impugned order.

3. The Hon'ble Supreme Court in case of ***Khazan Singh (dead) by L.Rs Vs. Union of India*** reported in ***AIR 2002 SC 726*** observed as under :

“The reference made by a Collector under Section 18 of the Land Acquisition Act, 1894 cannot be dismissed for default. The provisions of Sections 18, 20, 26 make it clear that Civil Court has to pass an award in answer to the reference made by the Collector under Section 18 of the Act. If any party to whom notice has been served by the Civil Court did not participate in the inquiry it would only be at risk because an award would be passed perhaps to the detriment of the concerned party. But non-participation of any party would not confer jurisdiction on the Civil Court to dismiss the reference for default”.

4. It is trite that land acquisition reference cannot be dismissed for want of leading evidence. This Court finds that petitioner has made out a reasonable ground for his absence before Reference Court. He needs to be given one more opportunity to make out his case for grant of enhanced compensation.

5. In result, Writ Petition is allowed in terms of prayer clause (B). The petitioner shall appear before Reference Court on 09.06.2026. The Reference Court shall endeavour to decide reference within a period of six months from date of this order. The petitioner shall co-operate for early disposal and shall not take unnecessary adjournments.

6. Needless to state here that petitioner shall not be entitled to interest and statutory benefit on enhanced amount of compensation, if any, from 01.01.2025 till date of this order.

(S.G. CHAPALGAONKAR, J.)