



This order is corrected vide speaking to the minutes order dated 22.1.2026.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4783 OF 2025

Devidas Chintaman Chaudhari

VERSUS

Collector Jalgaon And Others

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Advocate for the Petitioner : Mr. Niranjan Vasant Dhake

AGP for Respondents: Mr. K.N. Lokhande

Advocate for Respondents 2,4 : Mr. A.D. Pawar

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 16, 2026

ORDER :-

1. Present petition takes exception to the order dated 5.11.2019 passed by Civil Judge S.D., Jalgaon in L.A.R. No.307 of 2014, whereby Land Acquisition Reference has been dismissed for want of evidence.

2. Mr. Dhake, learned advocate appearing for petitioner submits that petitioner's land, which were part of gat no.331 situated Mumrabad Tq. & District Jalgaon has been acquired under Land Acquisition Award dated 8.3.2013. Petitioner preferred reference under section 18 of the Land Acquisition Act 1894 for enhancement of the compensation. Reference Court dismissed the Reference without recording any evidence. It is observed that in light of the directions given by this Court,

matter pending beyond Ten years are required to be decided expeditiously.

3. Apparently, Reference Court refused petitioner's claim seeking enhanced compensation without recording evidence.

4. It is well settled that the Reference under Order 18 of the Land Acquisition Act cannot be dismissed for want of prosecution or relying upon the material considered by the Land Acquisition Officer. It is true that Reference Court observed in paragraph no.8 that issues were framed on 9.1.2019. Since then, advocate appearing for petitioner was absent and even, no application was tendered seeking adjournment. However, fact remains that Reference suffered dismissal without recording evidence. In matters relating to compulsory acquisition of land, it would be imperative to grant sufficient opportunity to land owners to bring evidence in support of claim for enhancement of compensation. The aforesaid proposition of law has been espoused by the Division Bench of this Court in case of **Khazan Singh Vs. Union of India**, reported in (2002) 2 SCC 242 and **Chimanlal Hargovinddas Vs. Special Land Acquisition Officer, Poona and another**, reported in AIR 1988 SCV 1652.

5. In light of factual matrix and legal position, the impugned order cannot be sustained in law. Hence, writ petition is allowed in terms of prayer clause “**B**” and disposed of. Petitioner to appear before the Reference Court on **9.2.2026**. The reference Court to decide L.A.R. No.307 of 2014 afresh by granting opportunity to the petitioner.

6. Learned advocates appearing for respective parties fairly submit at the time of hearing of petition it was agreed that petitioner/original claimants shall not be entitled for interest on enhanced compensation amount from the date of impugned order i.e. 5.11.2019 till restoration of Land Acquisition Reference by the present order.

(S. G. CHAPALGAONKAR)
Judge

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