



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 WRIT PETITION NO. 12539 OF 2025

Shaikh Ibrahim Shaikh Wajir

VERSUS

The State Of Maharashtra Through The Collector And Another

...

Advocate for Petitioner : Mr. N.R. Thorat

AGP for Respondents: Mrs P.V. Diggikar

Advocate for Respondent 2 : Mr. Arora Shyam C.

...

CORAM : S. G. CHAPALGAONKAR, J.

Dated : June 09, 2026

PER COURT :-

1. Present writ petition takes exception to the order dated 26.3.2019 passed by the Joint Civil Judge S.D. Majalgaon, District Beed in LAR No.28 of 2013 whereby reference filed by the petitioner under section 18 of the Land Acquisition Act came to be rejected.

2. Learned advocate appearing for the petitioner invites attention of this Court to the impugned order and submits that Reference Court proceeded to decide the Reference in absence of advocate for petitioner as well as learned AGP for respondent no.1.

3. It is simply observed that advocate for petitioner was continuously absent and evidence was not led in the matter.

Hence, matter was posted on 3.1.2019 by way of last chance. Perusal of the text of order clearly shows that Reference is practically dismissed for want of prosecution.

4. The legal position is well settled by the Hon'ble Supreme Court of India in case of **Khajan Singh vs Union Of India And Ors** reported in **(2002)2 SCC 242** 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”.

5. This Court finds that Reference Court has clearly committed error of jurisdiction while dismissing the reference practically for want of prosecution. In this backdrop, it would be just and proper to relegate the matter to the Reference Court for fresh decision on merit. Needless to state here that petitioner shall not be entitled for statutory benefit and interest for the period from date of dismissal of the Reference till the date of this order. Petitioner shall file undertaking to that effect before Reference Court on his appearance.

6. Parties shall appear before the Reference Court on **6.7.2026**. The petitioner shall be at liberty to proceed to record his evidence without seeking further adjournment. Reference Court shall endeavor to decide the Reference on merit after hearing parties within a period of **six** (6) months from the date of this order.

7. Writ Petition stands **disposed of**.

(S. G. CHAPALGAONKAR, J.)

...

aaa/-