



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2738 OF 2026

Subhash Damodhar Ingole and anr. Vs. State of Maharashtra, Thru. Collector, Yavatmal and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Abhishek A. Zade, Advocate for petitioner.
Ms. K.H. Bhondge, AGP for respondent Nos.1 & 2/State in
WP No.2738/2026.
Ms. Babhulkar, Advocate h/f Mr. M.A. Kadu, Advocate for
respondent No.3.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 07.04.2026

Heard learned counsel for the respective parties as well as learned AGP for the respondent/State.

2. The petitioner has challenged the order dated 14.02.2018 passed by the reference Court thereby dismissing the petitioner's reference petition under Section 18 of the Land Acquisition Act, on account of failure to lead evidence.

3. Learned counsel for petitioner submitted that the reference Court has passed the impugned order by observing that despite sufficient opportunity, the petitioner had failed to lead evidence and resultantly, the

issues raised in the reference petitions could not be answered. He pointed out that the reference case is dismissed for want of prosecution, which is not a decision on merits.

4. Learned counsel for the petitioner has placed reliance on judgment of Co-ordinate Bench of this Court in Writ Petition No.13332/2022 decided on 02.02.2023 (*Chandaba w/o Gangaram Pauyed Vs. State of Maharashtra, Thru. Collector, Nanded and ors.*) and in Writ Petition No.8589/2022 decided on 04.10.2023 (*Wasudeo s/o Barku Lende Vs. The State of Maharashtra and Ors.*). In view of the position of law laid down in these judgments which are decided by considering the legal position as laid down by the Division Bench in the matter of *Diwakar Prabhakar Chopade Vs. Sub-Divisional Officer, Aurangabad and Ors.*, reported in *2019 SCC OnLine Bom 2930*, he submitted that the petitioner is entitled for grant of an opportunity to lead the evidence by remanding the matter.

5. He also invited my attention to the directions issued by this Court while deciding those cases with respect to waiver of the interest for the period from dismissal of the reference case till final disposal of the reference case.

6. Learned counsel for the respondents although did not dispute the legal position as laid down in the judgments referred above, however, opposed the request for waiver of interest for the aforesaid period and she submitted that considering the conduct of the petitioner, in failing to lead evidence, the claimant should not be granted any interest for the period from the date of framing issues.

7. While considering the controversy involved in the instant case, it is clear that the issues raised are covered by the said judgments. Having regard to the position of law as laid down in the above referred judgments it becomes clear that the petitioner is entitled for grant of an opportunity to lead evidence. In view of the controversy involved, there is no reason to take a different view and hence, by considering the reasons recorded by the Coordinate Bench of this Court in Writ Petition No.13332/2022, the writ petition is disposed of by following order:

ORDER

(i) The order dated 14.02.2018 passed by the Court of Civil Judge Senior Division, Darwha, Dist. Yavatmal, in reference case No.205/2004 (Old LAC No.49/1993) is

quashed and set aside. The land reference Case No.205/2004 is restored to its original file.

(ii) The reference Court shall permit the parties to lead oral as well as documentary evidence in support of their contentions.

(iii) The petitioner/claimant is directed to appear before the reference Court on 17.04.2026.

(iv) The reference Court is directed to dispose of the land acquisition reference case expeditiously and preferably within a period of six months from today.

(v) It is made clear that in case any enhanced amount of compensation is awarded, then the petitioner shall not be entitled for interest, from the date of dismissal of the land reference case in default i.e. from 14.02.2018, till the final disposal of LAR by the reference Court.

(vi) The writ petition is accordingly disposed of. No order as to costs.

(Prafulla S. Khubalkar, J.)