



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

94 WRIT PETITION NO. 12968 OF 2023

YASHWANT BHAGWAN MUNDHE

VERSUS

THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR  
AND OTHERS

...

Mr. Sartaj H. Pathan h/f. Mr. Hanumant Pandurang Bondar, Advocate  
for the Petitioner.

Mr. D. R. Korde, AGP for Respondent-State.

Mr. Mukul S. Kulkarni, Advocate for Respondent No.2.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 9<sup>th</sup> MARCH 2026

P.C.:-

1. Heard learned Advocates for the respective parties.
2. The Petitioner is taking an exception to the judgment and award dated 12.11.2018 passed by learned Joint Civil Judge, Senior Division, Osmanabad in L.A.R. No.1141 of 2011, thereby dismissing the reference in the absence of the Petitioner.
3. Petitioner is the claimant whose land was acquired and award was passed on 23.05.2011. Being aggrieved, he preferred L.A.R. No.1141 of 2011. Petitioner did not adduce any oral or documentary evidence before the Reference Court. He did not punctually prosecute the reference and in his absence, reference was dismissed by the impugned judgment and award.
4. Learned Counsel for the Petitioner is relying on the judgment



dated 17.01.2020 passed by the Coordinate Bench in the matter of Walmik Trimbak Tupe Vs. State and Another in Writ Petition No.1279/2019 and the connected matters. He would pray to pass similar order in the present petition.

5. Learned AGP, Mr. D. R. Korde vehemently opposes the submission of the Petitioner. He would submit that Petitioner is the fence sitter. After the impugned judgment and award, there is inordinate delay for him to file the writ petition in High Court. There is no convincing and plausible explanation for the inordinate delay. Learned Reference Court has rightly rejected the reference on merit. He would therefore pray to dismiss the petition.

6. The Petitioner did not adduce evidence when his reference was pending. He failed to prosecute it diligently. Even after, dismissal of the reference, he did not approach this Court in time. Present petition is filed on 07.02.2023. The huge delay in approaching this Court is attributable to the Petitioner. However the Petitioner wants to lead evidence and prosecute the matter on merits. As it is the matter of acquisition of the land, I deem it appropriate to grant one opportunity. Besides that, I propose to follow the same reasons and the course as done by the coordinate bench in the matter of Walmik Trimbak Tupe (supra).

7. Learned Counsel for the Petitioner, on instructions, submits



that his clients are ready to forego interest from 12.11.2018 to 09.03.2026. This statement can be accepted as an undertaking to this Court. I, therefore, pass following order :

**ORDER**

- (i) The judgment and award dated 12.11.2018 passed by the Joint Civil Judge, Senior Division, Omerga, District Osmanabad in L.A.R. No.1141 of 2011 is quashed and set aside.
- (ii) The Petitioner shall not be entitled to claim interest from the date of dismissal of reference i.e. 12.11.2018 till today i.e. 09.03.2026.
- (iii) The parties are relegated to the Reference Court by restoring L.A.R. No.1141 of 2011 to its original position. Petitioner shall appear before the Reference Court on 08.04.2026.
- (iv) The concerned Reference Court shall permit the parties to lead oral and documentary evidence in support of their rival contentions.
- (v) The Reference Court shall dispose of Land Acquisition Reference as expeditiously as possible and preferable within period of six months from 08.04.2026.
- (vi) The Petitioner shall cooperate for expeditious disposal of the Reference Petition.
- (vii) Writ Petition is allowed in the above terms.

**(SIDDHESHWAR S. THOMBRE, J.)**