

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 684 OF 2002

Maharashtra State Electricity Board
Through Executive Engineer .. Appellant

Versus

1. State of Maharashtra through
Collector, Beed and another .. Respondents

WITH

FIRST APPEAL NO. 685 OF 2002

Maharashtra State Electricity Board
Through Executive Engineer .. Appellant

Versus

1. State of Maharashtra through
Collector, Beed and others .. Respondents

WITH

FIRST APPEAL NO. 686 OF 2002

Maharashtra State Electricity Board
Through Executive Engineer .. Appellant

Versus

1. State of Maharashtra through
Collector, Beed and others .. Respondents

WITH

FIRST APPEAL NO. 687 OF 2002

Maharashtra State Electricity Board
Through Executive Engineer .. Appellant

Versus

1. State of Maharashtra through
Collector, Beed and another .. Respondents

**WITH
FIRST APPEAL NO. 688 OF 2002**

Maharashtra State Electricity Board
Through Executive Engineer .. Appellant

Versus

1. State of Maharashtra through
Collector, Beed and another .. Respondents

**WITH
FIRST APPEAL NO. 689 OF 2002**

Maharashtra State Electricity Board
Through Executive Engineer .. Appellant

Versus

1. State of Maharashtra through
Collector, Beed and others .. Respondents

**WITH
FIRST APPEAL NO. 738 OF 2002**

Maharashtra State Electricity Board
Through Executive Engineer .. Appellant

Versus

1. State of Maharashtra through
Collector, Beed and another .. Respondents

**WITH
FIRST APPEAL NO. 990 OF 2004**

The Executive Engineer MSEB .. Appellant

Versus

Babu Dhondiba Kachle and others .. Respondents

**WITH
FIRST APPEAL NO. 1636 OF 2004**

The Executive Engineer MSEB .. Appellant

Versus

Narayan Yoga Chate Died through
LRs Vithal N. Chate and others .. Respondents

WITH

FIRST APPEAL NO. 1637 OF 2004

The Executive Engineer MSEB .. Appellant

Versus

Babu Dhondiba Kachle Died through
LRs Laxmibai Babu Kachle and others .. Respondents

WITH

FIRST APPEAL NO. 1639 OF 2004

The Executive Engineer MSEB .. Appellant

Versus

Altafkhan S/o Sultankhan Died through
LRs Asefkhan S/o Altafkhan and others .. Respondents

WITH

FIRST APPEAL NO. 1640 OF 2004

The Executive Engineer MSEB .. Appellant

Versus

Shantilal Baburao Munde and another .. Respondents

WITH

FIRST APPEAL NO. 1641 OF 2004

The Executive Engineer MSEB .. Appellant

Versus

Gundiba Appaji Kachle and another .. Respondents

WITH

FIRST APPEAL NO. 1642 OF 2004

The Executive Engineer MSEB .. Appellant
Versus
Gunabai Gundiba Kachle and others .. Respondents

Shri S. S. Choudhari, Advocate for the Appellant in all matters.

Shri G. R. Ingole Patil, A.G.P. for Respondent/State in all matters.

Shri S. S. Thombre, Advocate for the Respondent/claimants in all matters.

CORAM : S. V. GANGAPURWALA, J.

DATE : 20TH AUGUST, 2015.

PER COURT :

. The present respondents/claimants being aggrieved by the amount of compensation awarded by the Special Land Acquisition Officer filed references U/Sec. 18 of the Land Acquisition Act. The Reference Court partly allowed the said references. Aggrieved thereby the acquiring body has filed present appeals.

2. Mr. Choudhari, the learned counsel for appellant submits that, the Reference Court has awarded exorbitant amount of compensation. It has awarded compensation at the rate of Rs. 400/- per R. The sale deed relied is of another village. The same cannot be said to be in respect of similarly situated land. The learned counsel submits that, the genuineness of the said sale deed is also not proved. The learned counsel submits that, the village Indapwadi is not a developed village.

2. Mr. Thombre, the learned counsel for respondent/claimants submits that, other appeals filed by present appellant in respect of same acquisition proceedings i. e. land acquired vide notification dated 23rd October, 1986 for the same project have been decided by this Court, wherein the amount awarded by the Reference Court at the rate of Rs. 550/- per R. has been accepted and confirmed. In the present cases, the Reference Court has awarded lessor compensation amount that is at the rate of Rs. 400/- per R. According to the learned counsel the Reference Court has considered relevancy of sale deeds and other aspects of the matters. Even the S. L. A. O. has observed that, the lands were sold in the range of Rs. 5,000/- to Rs. 15,000/- per acre.

3. I have considered the submissions canvassed by the learned counsel for respective parties, so also gone through the judgment delivered by the Reference Court and record. I have also gone through the judgment delivered by this Court on 01st April, 2015 in First Appeal No. 252 of 2001 with other connected first appeals, wherein land acquired vide very same notification and for the same project in which the present lands are acquired has been considered. This Court in said appeals has observed that, sale instance of village Tokewadi also deserves consideration, so also of village Talegaon.

4. In the present cases also the Reference Court has relied

upon the sale instances which are proved and has awarded reasonable amount of compensation. The amount of compensation awarded is only Rs. 16,000/- per acre. Even according to the S. L. A. O. the lands in the year 1985 were sold in the range of Rs. 5,000/- to Rs. 15,000/- per acre.

5. Considering aforesaid conspectus of the matters and the judgment delivered in First Appeal No. 252 of 2001 with other connected first appeals i. e. in respect of the appeals filed against the judgment of the Reference Court, wherein lands were acquired vide the same notification and for the same project are acquired in the present appeals, present first appeals stand dismissed, however, with no other as to costs.

[S. V. GANGAPURWALA, J.]

bsb/Aug. 15