

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

FIRST APPEAL STAMP NO.:27191 OF 2012

WITH

CIVIL APPLICATION NO.:13393 OF 2012

The State Of Maharashtra, Thr Collector And Ors
VERSUS

Shankarappa Parappa Lakade, (Died)
Thr. LRs Parappa Shankarappa Lakade And Ors

ALONGWITH

FIRST APPEAL STAMP NO.:27247 OF 2012

WITH

CIVIL APPLICATION NO.:13395 OF 2012

The State Of Maharashtra And Ors
VERSUS

Nagnath Narsappa Lakade, (Died)
Thr. L.R. Bharatbai Nagnath Lakade

ALONGWITH

FIRST APPEAL STAMP NO.:27251 OF 2012

WITH

CIVIL APPLICATION NO.:13397 OF 2012

The State Of Maharashtra And Ors
VERSUS

Chandrakant Shankarappa Lakade

...

Mr. P.P.More, AGP for Appellants / Applicants.

Mr. L.C.Patil, Advocate for Respondents.

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AGLONGWITH

FIRST APPEAL NO.:2177 OF 2014

WITH

CIVIL APPLICATION NO.:11534 OF 2010

The State Of Maharashtra And Ors
VERSUS
Chandrakant Shankarappa Lakade

AGLONGWITH

FIRST APPEAL NO.:2178 OF 2014
WITH
CIVIL APPLICATION NO.:11536 OF 2010

The State Of Maharashtra And Ors
VERSUS
Shivaji Shankarappa Lakade

...

Mr. G.R.Ingole, AGP for Appellant/Applicant.

Mr.B.K.Pawar, Advocate for Respondents.

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AGLONGWITH

FIRST APPEAL NO.:2179 OF 2014
WITH
CIVIL APPLICATION NO.:11530 OF 2010

The State Of Maharashtra
VERSUS
Sanjay Shankar Pawar

AGLONGWITH

FIRST APPEAL NO.:2180 OF 2014
WITH
CIVIL APPLICATION NO.:11532 OF 2010

The State Of Maharashtra
VERSUS
Shankar Premnath Pawar

...

Mr. P.P.More, AGP for Appellant/Applicant.

Mr.B.K.Pawar, Advocate for Respondents.

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AND

FIRST APPEAL STAMP NO.:682 OF 2015

WITH

CIVIL APPLICATION NO.:3377 OF 2015

The State Of Maharashtra And Others

VERSUS

Waman Ranga Pawar And Others

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Mr. G.R.Ingole, AGP for Appellant/Applicant.

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CORAM : **N. W. SAMBRE, J.**

DATE : 04th August, 2015.

Per Court:

1 In the same acquisition proceedings, First Appeal No.1328 of 2011, decided by this Court on 7th June, 2011, reference decided by the learned Civil Judge (Senior Division) enhancing the compensation, came to be upheld.

2 In the present First Appeals, Mr.More, learned AGP has strenuously urged that though the present set of first appeals are arising out of same Section 4 notification and same sale instances are taken into account, in one matter, the Court has awarded Rs.35,000/- per Acre, in another matter Rs.40,000/- per Acre whereas in one more matter Rs.45,000/- per Acre. According to him, this discrepancy is not considered in the earlier judgment in First Appeal No.1328 of 2011.

3 With the assistance of learned AGP, I have perused the judgment in these sets of appeals i.e. one granting Rs.35,000/-, Per Acre, Rs.40,000/- per Acre and another is Rs.45,000/- per Acre. No doubt, by considering the same sale instances, the Reference Court has awarded compensation of Rs.35,000/-, Rs.40,000/- and Rs.45,000/- per Acre, though the acquisition is arising out of same Section 4 notification. However, in the earlier matter i.e. First Appeal No.1328 of 2011, which was decided by this Court on 7th June, 2011, admittedly, the Acquiring Body of the State Government has not filed any review. Apart from above, it is required to be noted that by following the judgment in First Appeal No.1328 of 2011, this Court has already disposed of another set of first appeals considering the judgment delivered by the Reference Court.

4 In view thereof, in my opinion, it will be inappropriate for this Court to take different view in the same set of facts. In any case, if the submissions of the learned AGP is to be accepted, same shall not be in tune with the judicial discipline.

5 In view of above, having regard to the judgment in First Appeal No.1328 of 2011, the present first appeals also stand dismissed.

6 In view of dismissal of first appeals, pending civil applications for stay, do not survive and the same also stand disposed of.

[N. W. SAMBRE, J.]

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