

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

First Appeal No. 1853 of 2015

With

Civil Application No. 15329 of 2010

(In First Appeal No. 1853 of 2015)

The State of Maharashtra,
Through Collector, Ahmednagar.

.. Appellant
(Original respondent)

versus

Ashok Gangaram Galande,
Age : 35 years,
Occupation : Agriculture,
R/o. Deulgaon,
Taluka : Shrigonda,
District : Ahmednagar.

.. Respondent
(Original claimant)

.....

Mr. A.M. Phule, Advocate, for the appellant.

Mr. M.R. Sonawane, Advocate, for the respondent.

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CORAM : A.M. BADAR, J.

DATE : 15TH DECEMBER 2015

PER COURT :

1. By this appeal, appellant - State is challenging the judgment and award passed by the learned Civil Judge (Senior Division), Shrigonda, in L.A.R. No. 731/2003, between the parties, on 16-1-2008.

2. Heard the learned Assistant Government Pleader appearing for appellant - State. According to the learned Assistant Government Pleader, the enhancement granted by the learned reference Court is exorbitant. Only two pages judgment is passed by the learned reference Court and considering the acquired land as irrigated land, compensation at the rate of Rs. 3575/- per Are is awarded. No sale instances of the said village were produced by the claimant before the reference Court.

3. As against this, Shri Sonawane, the learned Counsel appearing for respondent - claimant, submits that the learned reference Court decided L.A.R. No.729/2003 along with L.A.R. Nos. 730/2003 and 731/2003. In his submission, the learned reference Court has given detail reasons for arriving at the market rate of the acquired land at Rs. 1,787/- per Are for non-irrigated land and at the rate of Rs. 3,575/- per Are for irrigated land. Shri Sonawane, the learned Counsel appearing for the respondent, further submitted that judgment and award passed by the learned reference Court in L.A.R. No. 729/2003 came to be challenged by the State by filing First Appeal Stamp No. 28781/2010 and this Court by judgment and order dated 31st July 2015 was pleased to dismiss the appeal filed by the State. Hence as per submission of Shri Sonawane, the learned Counsel, this appeal also needs to be dismissed.

4. Perused the judgment and order passed by this Court on 31st July 2015 in First Appeal Stamp No. 28781/2010. Parties are unanimous in submitting that L.A.R. No. 729/2003 was considered to be the main case and the appeal arising therefrom is dismissed by this Court. Perusal of the impugned judgment and award shows that the course of action taken

by the learned reference Court in L.A.R. No. 729/2003 is followed in L.A.R. No. 731/2003 also. The learned reference Court on considering the evidence on record came to the conclusion that acquired land in L.A.R. No. 731/2003 is an irrigated land and accordingly compensation at the rate of Rs. 3575/- per Are is awarded. This rate is already upheld by this Court while deciding First Appeal Stamp No. 28781/2010 by judgment and order dated 31st July 2015.

5. In the result, the appeal is devoid of substance and the same is dismissed with no order as to costs. Consequently, Civil Application No. 15329/2010 does not survive and the same stands disposed of.

(A.M. BADAR)
JUDGE

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