

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

913 FIRST APPEAL NO.3591 OF 2016

THE EXECUTIVE ENGINEER, KUKADI DISTRIBUTION AND
CONSTRUCTION, DIVISION KOLWADI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

WITH

914 FIRST APPEAL NO. 3592 OF 2016

915 FIRST APPEAL NO. 3593 OF 2016

916 FIRST APPEAL NO. 3596 OF 2016

917 FIRST APPEAL NO. 3597 OF 2016

918 FIRST APPEAL NO. 3598 OF 2016

919 FIRST APPEAL NO. 3599 OF 2016

920 FIRST APPEAL NO. 3600 OF 2016

921 FIRST APPEAL NO. 3601 OF 2016

922 FIRST APPEAL NO. 3602 OF 2016

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Advocate for Appellant : Mr. Rajale Gulab B.
S/Shri SP Deshmukh; SN Morampalle & AM Phule,
AGPs for Respondents: 1 (in respective matters)
Mr. M.R. Sonawane, Adv. For Respondent/s -
claimants

CORAM : P.R.BORA, J.

DATE : 29th September, 2016.

PER COURT :

1) Heard. Since all these appeals are arising out of the common judgment and award passed by Civil Judge, Senior Division, Shrigonda on 3rd August, 2007 in LAR No.545/2003 with the

connected LARs, I deem it appropriate to decide all these appeals by a common reasoning.

2) On perusal of the impugned judgment, it is revealed that the learned Reference Court has determined the market value of the lands which are the subject matter of the present appeals, on the basis of its earlier decision rendered on 17th January, 2007 in LAR No.555/2003 with the connected LARs.

3) In para 13 of the impugned judgment, the discussion in that regard is made by the Reference Court.

4) Shri Sonawane, learned Counsel appearing for the claimants has brought to my notice that the common judgment and award passed in LAR No. 555/2003 with 556/2003, was challenged before this Court in First Appeal No.95/2010 and the same has been dismissed by this Court (Coram: K.U.Chandiwal,J.) on 21st January, 2010.

5) In view of the fact that the First Appeal, challenging judgment and award, on the basis of which the market value of the acquired lands in the present matters was fixed, has been dismissed by this Court, as aforesaid, it does not appear to me that any interference is required in the present impugned judgment and award. Even otherwise, after having gone through the entire discussion made by the Reference Court, it is revealed that the Reference Court has properly considered the evidence brought on record by the original claimants as well as by the State and has determined the market value of the acquired lands. It further does not appear to me that the Reference Court has committed any error in determining the market value, as aforesaid, and granting proportionate enhancement in the amount of compensation.

5) For the reasons stated above, the present appeals, being devoid of any merit, deserve to be dismissed and are accordingly dismissed. Pending civil

application if any stands disposed of.

7) The respondents - claimants are permitted to withdraw the amount of compensation, if any, deposited by the acquiring body in this Court in terms of the Award passed in the respective Land Acquisition References, if already not withdrawn by them.

(P.R.BORA)
JUDGE

bdv/