

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

FIRST APPEAL NO.162 OF 2007

The State of Maharashtra .. Appellant

Versus

Babu Gitaji Berad .. Respondent

Mr.S.P.Sonpawale, AGP for the appellant/State
Mr.C.K.Shinde, Advocate for respondent
Mr. Deepali Jape- intervenor

**WITH
CIVIL APPLICATION NO.2563 OF 2008**

Union of India and others .. Applicants

Versus

The State of Maharashtra and another .. Respondents

Mr.S.P.Sonpawale, AGP for the Applicant-State
Mr.C.K.Shinde, Advocate for respondent

**CORAM : A.V.NIRGUDE, J
DATED : 31.08.2016**

P.C. :-

1. For the reasons mentioned in the application applicants are allowed to intervene the First Appeal. In view of this, intervention application is allowed.

2. This appeal is taken up for final hearing.

3. The State of Maharashtra has filed this Appeal challenging the judgment and award dated 23.01.2002 passed by the learned Joint Civil Judge, Senior Division, Ahmednagar in Land Acquisition Reference No.126/1992.

4. Number of lands from village Darewadi, Nimbodi and Narayangaon all situated at Tq. Ahmednagar, Dist. Ahmednagar was sought to be acquired for Regiment Centre at Ahmednagar. Notification under Section 4 of the Land Acquisition and was published in a Official Gazette on 12.09.1985. On 21.05.1988 an award was passed in which different amounts of compensation were awarded to different types of land namely; Jirayat land, Bagayat land etc. The compensation awarded was at the rate of Rs.7,500/- to Rs.12,500/- per hector etc. Several lands were also awarded compensation at the rate of 7.5% per meters considering their non-agriculture potential most of the affected land owners filed references before the Civil Court and as said above vide a judgment in L.A.R. No.126/1992 the amount was enhanced.

4. The State of Maharashtra filed number of Appeals in this Court. First of the such Appeal came before this Court for hearing on or about 11.02.2016 and my learned

Brother Justice T.V.Nalawade on 11.02.2016 dismissed the said Appeal holding that the evidence adduced by the claimants was properly appreciated by the learned Judge of the Reference Court. The appeal was dismissed. Thereafter number of Appeals were dismissed on the same line.

5. I am also inclined to do so, this Appeal should deserves to be dismissed. In view of this the Appeal stands dismissed. Union of India made party.

6. Respondent No.1 is allowed to withdraw the amount deposited by appellant in this Court.

[A.V.NIRGUDE,J.]