

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO.3283 OF 2016
IN
FAST/3616/2016
WITH
CA/3284/2016 IN FAST/3616/2016
WITH
CA/3285/2016 IN FAST/3631/2016
WITH
CA/3286/2016 IN FAST/3631/2016
WITH
CA/3287/2016 IN FAST/3635/2016
WITH
CA/3288/2016 IN FAST/3635/2016
WITH
CA/3289/2016 IN FAST/3640/2016
WITH
CA/3290/2016 IN FAST/3640/2016
WITH
CA/3291/2016 IN FAST/3644/2016
WITH
CA/3292/2016 IN FAST/3644/2016

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS

TUKARAM TULSHIRAM KASALE

...

Advocate for Applicants/Appellants : Mr AM Phule,
AGP

Mr. Manale Satish S Advocate For Respondent/s –
claimants.

CORAM : P.R.BORA, J.

DATE : 29th September, 2016.

PER COURT :

1) Heard learned A.G.P., appearing for applicants/appellants and learned counsel appearing for the Respondent/s - claimants.

2) Delay of 660 days has occurred in filing the present appeals by the State. The learned Counsel appearing for the respondents - claimants was fair in submitting that for the reasons stated in the application, the delay can be condoned in the present matters.

3) On perusal of the contents of the applications, I find that the delay has been sufficiently explained. In the circumstances, the delay is condoned and the applications for condonation of delay are disposed of. The appeals be registered in accordance with law.

4) Issue notice to the respondent/s in the appeals. Shri Manale, Learned counsel waives service for the respondent/s - claimants. With

the consent of learned counsel for the parties, the matters are taken up for final disposal at admission stage.

5) Perused the impugned judgment and award and other material placed on record by the parties. On perusal of the impugned judgment, it is revealed that the Reference Court has determined the market value of the acquired lands on the basis of the judgment passed in L.A.R.No.141/2010 by learned Civil Judge, Senior Division, at Nilanga on 26th November, 2013. The record reveals that certified copy of the judgment passed in the aforesaid LAR No.141/2010 was placed on record in the present matters. The Reference Court has observed that the acquired lands, which were the subject matters of LAR No. 141/2010 with connected LARs, were from village Umerdara, which is adjacent to village Sarfarajpur, where the acquired lands involved in the present matters are situated.

. The Reference Court has also observed

that the lands, which were the subject matter of LAR No.141/2010 with connected LARs, were from the same vicinity and were acquired for the same purpose for which the lands which are the subject matter of the present appeals, were acquired. In the circumstances, the Reference Court has determined the same market value, of the acquired lands as was determined of the lands as involved in LAR No.141/2010.

6) Shri Manale, learned Counsel appearing for the Respondent/s - original claimants, submitted that the State has acquiesced the judgment and award passed in aforesaid LAR No.141/2010 with the connected LARs. The learned Counsel has submitted that nothing remains to be considered in the present appeals since the lands, which are the subject matter of the present appeals, were acquired for the same project, vide the same notification and as observed by the Reference Court, are hailing from the adjacent villages.

7) The facts so stated by the learned Counsel for the Respondent/s - claimants, have not been disputed by learned AGP. On a specific query made by the Court, learned AGP has conceded that the State has acquiesced the decision of the Reference Court in LAR No.141/2010 with the connected LARs. Considering the facts, as aforesaid, the State is now estopped from taking a different or contrary stand and to object for the compensation offered in the present matters.

8) For the reasons stated above, all the aforesaid appeals deserve to be dismissed and are accordingly dismissed. Pending civil applications if any stand disposed of.

(P.R.BORA)
JUDGE

bdv/