

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.323 OF 2015

1) The State of Maharashtra
Through the Collector
Latur and Anr. = **APPELLANTS**

VERSUS

Shri Kerba s/o Naga Hazare
(Died, through his L.rs.)
1) Smt. Harubai w/o Kerba Hazare
and others. = **RESPONDENTS**

WITH

FIRST APPEAL NO. 318 OF 2015

1) The State of Maharashtra
Through the Collector
Latur and Anr. = **APPELLANTS**

VERSUS

Raosaheb s/o Kombaji Jadhav = **RESPONDENT**

WITH

FIRST APPEAL NO. 320 OF 2015

1) The State of Maharashtra
Through the Collector
Latur and Anr. = **APPELLANTS**

VERSUS

Limbraj Manik Gaikwad = **RESPONDENT**

WITH

FIRST APPEAL NO. 319 OF 2015

1) The State of Maharashtra
Through the Collector
Latur and Anr. = **APPELLANTS**

VERSUS

Yuvraj Manik Gaikwad = **RESPONDENT**

WITH**FIRST APPEAL NO. 322 OF 2015**

1) The State of Maharashtra
Through the Collector
Latur and Anr. = **APPELLANTS**

VERSUS

Gopinath Kerba Hazare = **RESPONDENT**

WITH**FIRST APPEAL NO. 321 OF 2015**

1) The State of Maharashtra
Through the Collector
Latur and Anr. = **APPELLANTS**

VERSUS

Amin Maheboob Pathan = **RESPONDENT**

Mr.CV Dharurkar, AGP for Appellants;

Mr.PG Sontakke, Adv. h/for Mr. GK Sontakke, Adv.
Respondent/s

CORAM : P.R.BORA, J.

DATE : 11th April, 2016.

COURT'S ORDER:

1) Heard. By consent, taken up for final disposal at admission stage.

2) Since the aforesaid appeals are arising out of the common judgment and Award passed on 12th July, 2010 by Civil Judge, Senior Division Nilanga in LAR Nos.116/2005; 117/2005; 118/2005; 119/2005; & 120/2005 , I deem it appropriate to dispose of all these appeals by a common reasoning.

3) The present appeals are filed by the State, taking exception to the judgment and award passed in the aforesaid LARs. From the grounds of objections raised, it seems to be the contention of the State that the Reference Court has determined the market value of the acquired lands on higher side. However, during the course

of the hearing, it was pointed out by learned Counsel appearing for the original claimants that the Reference Court has determined the market value of the lands under acquisition, relying on the sale instance brought on record and relied upon by the State Government. The learned Counsel invited my attention to the discussion made by the Reference Court in para 11 onwards of the said judgment. The discussion made by the Reference Court in para 11 onwards of the judgment, reveals that there were three sale-instances for consideration before the Reference Court, which were at Exhibit-31, 38 and 39. It is further revealed that the sale-deed at Exhibit-39 was relied upon by the State Government. The Reference Court has ultimately determined the compensation, relying on the said sale-instance. In view of the fact that the market value of the lands under acquisition was determined by the Reference Court on the basis of the sale instance relied upon by the State Government, I do not see any reason for the State

Government to take exception to the market value so determined by the Reference Court alleging the same to have been fixed on higher side.

4) The learned AGP conceded to the fact that from the judgment and award passed by the Reference Court, it is quite clear that the sale-instance, which was relied upon by the State Government, has been relied upon by the learned Reference Court and the market value has been determined on that basis.

5) In view of the above, I do not see any reason for causing interference in the judgments and awards impugned in the present appeals. The appeals are devoid of any merit and are accordingly dismissed. Pending Civil Applications, if any, stand disposed of. No order as to costs.

(P . R . BORA)
JUDGE

bdv/