

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1305 OF 2008

The State of Maharashtra & anr.Appellants
V/s.
Bhimrao Rama Thaware and Ors.Respondents

ALONGWITH
FIRST APPEAL NO. 2531 OF 2011

The State of MaharashtraAppellant
V/s.
Kisan Mahadeo Thaware (Decd.) & Ors.Respondents

ALONGWITH
FIRST APPEAL NO. 1285 OF 2008

The State of MaharashtraAppellant
V/s.
1. Raghunath Tatya Bhong & Ors.Respondents

ALONGWITH
FIRST APPEAL NO. 1284 OF 2008
ALONGWITH
CIVIL APPLICATION NO. 353 OF 2008

The State of Maharashtra & anr.Appellants
V/s.
Laxman Martand Thaware
(Since deceased through his Lrs.
Malhari Laxman Thaware & Ors.)Respondents

ALONGWITH
FIRST APPEAL NO. 1287 OF 2008
ALONGWITH
CIVIL APPLICATION NO. 3123 OF 2013
IN
FIRST APPEAL NO. 1287 OF 2008

The State of Maharashtra & anr.Appellants
V/s.
Sopana Rama TarangeRespondent

ALONGWITH
FIRST APPEAL NO. 1768 OF 2008

The State of MaharashtraAppellant
V/s.
Jagannath Ramu TarangeRespondent

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Mr. A.R. Patil, AGP for the appellant.

Mr. Potnis i/by. Mrs. P.H. Potnis, Advocate for the respondent.

Coram :- Smt. R.P. SondurBaldota, J.

5th May, 2016.

P.C. :-

1). These First Appeals preferred by the State of Maharashtra arise out of acquisition of the land under the two Notifications issued under Section 4 of the Land Acquisition Act.

The first Notification was dated 8th August, 1985 and the second Notification is dated 10th October, 1985. Appeals No. 1305 of 2008, First Appeal No. 2531 of 2011 arise out of the Notification dated 8th August, 1985 and the other appeals arise out of the Notification dated 10th October, 1985. Both the Notifications concern acquisition of the land for the same project i.e. construction of a canal. The lands acquired are situate at Taluka-Indapur, District-Pune. The question of the rate at which the compensation is to be awarded for acquisition of the land has been decided by the order dated 13th June, 2011 passed by a Single Judge of this Court in **State of Maharashtra V/s. Dashrath Bhau Satpute in First Appeal No. 1379 of 2002** and in **State of Maharashtra V/s. Dattu Bhau Satpute in First Appeal No. 1380 of 2002 arising out of L.A.R. No.28 of 1987**. This Court, while dismissing the Appeals filed by the State of Maharashtra has held that the compensation at the rate of Rs.19,000/- per hectare is a fair and reasonable compensation payable for acquisition of the lands.

2). For the acquisition under the second Notification dated 10th October, 1985 also, the Reference Court has considered the same Award in L.A.R. No. 28 of 1987 to grant compensation at the rate of Rs.19,000/- per hectare to the respondents. In addition, it has taken into account the difference of one year in the dates of Notification to award escalation of 12% for the period of one year and calculated the compensation at Rs.1,00,000/- per hectare, which is in accordance with the well established position in law. In

the circumstance, there is no infirmity in the impugned orders. Hence, the appeals are dismissed.

3). In view of dismissal of the appeals, the Civil Applications taken out by the appellant for stay of the impugned order, do not survive. The same are accordingly disposed off.

(SMT. R.P. SONDURBALDOTA, J)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1087 OF 2008
ALONGWITH
CIVIL APPLICATION NO. 422 OF 2008
IN
FIRST APPEAL NO. 1087 OF 2008

The State of Maharashtra & anr.
V/s.
Namdeo Sakharan Taranga

.....Appellants

.....Respondent

ALONGWITH
FIRST APPEAL NO. 1088 OF 2008
ALONGWITH
CIVIL APPLICATION NO. 424 OF 2008
IN
FIRST APPEAL NO. 1088 OF 2008

The State of Maharashtra & anr.
V/s.
1. Dnyandeo Nivrutti Tarange
and Ors.

.....Appellants

.....Respondents

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Mr. A.R. Patil, AGP for the appellant.

Mr. Potnis i/by. Mrs. P.H. Potnis, Advocate for the respondents.

Coram :- Smt. R.P. SondurBaldota, J.

5th May, 2016.

P.C. :-

1). Admit. By consent of the parties, taken up for hearing forthwith.

2). These First Appeals preferred by the State of Maharashtra arise out of acquisition of the land under the two Notifications issued under Section 4 of the Land Acquisition Act. The first Notification was dated 8th August, 1985 and the second Notification is dated 10th October, 1985. Appeals No. 1305 of 2008, First Appeal No. 2531 of 2011 arise out of the Notification dated 8th August, 1985 and the other appeals arise out of the Notification dated 10th October, 1985. Both the Notifications concern acquisition of the land for the same project i.e. construction of a canal. The lands acquired are situate at Taluka-Indapur, District-Pune. The question of the rate at which the compensation is to be awarded for acquisition of the land has been decided by the order dated 13th June, 2011 passed by a Single Judge of this Court in **State of Maharashtra V/s. Dashrath Bhau Satpute in First Appeal No. 1379 of 2002** and in **State of Maharashtra V/s. Dattu Bhau Satpute in First Appeal No. 1380 of 2002 arising out of L.A.R. No.28 of 1987**. This Court, while dismissing the Appeals filed by the State of Maharashtra has held that the compensation at the rate of Rs.19,000/- per hectare is a fair and reasonable compensation payable for acquisition of the lands.

3). For the acquisition under the second Notification dated 10th October, 1985 also, the Reference Court has considered the same Award in L.A.R. No. 28 of 1987 to grant compensation at the rate of Rs.19,000/- per hectare to the respondents. In addition, it has taken into account the difference of one year in the dates of Notification to award escalation of 12% for the period of one year and calculated the compensation at Rs.1,00,000/- per hectare, which is in accordance with the well established position in law. In the circumstance, there is no infirmity in the impugned orders. Hence, the appeals are dismissed.

2). In view of dismissal of the appeals, the Civil Applications taken out by the appellant for stay of the impugned order, do not survive. The same are accordingly disposed off.

(SMT. R.P. SONDURBALDOTA, J)