

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 567 OF 2001

The State of Maharashtra

.....Appellant
(Orig. Plaintiff)

V/s.

Shankar Pandurang Ijagude & Ors.

.....Respondents
(Orig. Claimants)

ALONGWITH

FIRST APPEAL NO. 971 OF 2008

The State of Maharashtra

.....Appellant

V/s.

Laxmibai Kisan Pawar

.....Respondent

ALONGWITH

FIRST APPEAL NO. 83 OF 1998

ALONGWITH

CIVIL APPLICATION NO. 9300 OF 1999

IN

FIRST APPEAL NO. 83 OF 1998

The State of Maharashtra

.....Appellant

V/s.

Sonabai Ramchandra Bhosale

.....Respondent

ALONGWITH

FIRST APPEAL NO. 689 OF 1997

The State of Maharashtra

.....Appellant

V/s.

Kisan Vithoba Bhosale

.....Respondent

ALONGWITH
FIRST APPEAL NO. 353 OF 2002
ALONGWITH
CIVIL APPLICATION NO. 387 OF 2004

State of MaharashtraAppellant
V/s.
Bhagwan Maruti JadhavRespondent

ALONGWITH
FIRST APPEAL NO. 693 OF 2001

State of MaharashtraAppellant
V/s.
Pandharinath Bhau SatputeRespondent

ALONGWITH
FIRST APPEAL NO. 683 OF 2001

State of MaharashtraAppellant
V/s.
Maruti Bhau SatputeRespondent

ALONGWITH
FIRST APPEAL NO. 692 OF 2001

State of MaharashtraAppellant
V/s.
Namdeo Bhau SatputeRespondent

ALONGWITH
FIRST APPEAL NO. 690 OF 2001

The State of MaharashtraAppellant
V/s.
Narayan Bhau SatputeRespondent

ALONGWITH
FIRST APPEAL NO. 736 OF 1996

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FA-567-2001(GROUP)
5th May, 2016

The State of Maharashtra
V/s.

.....Appellant

Kisan Pawar, deceased through
Laxmibai K. Pawar & Ors.

.....Respondents

ALONGWITH
FIRST APPEAL NO. 691 OF 2001

The State of Maharashtra
V/s.

.....Appellant

Nivrutti Bhau Satpute

.....Respondent

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 5TH MAY, 2016.

P.C. :-

1). Both the Advocates point out that, the above appeals would be governed by the judgment and order dated 13th June, 2011 passed by the Bench of 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** as all these appeals arise out of acquisition of lands under the same Notification i.e. Notification dated 12th August, 1984. The lands in question are also from the same village i.e. Village- Indapur, District- Pune. The sale instances relied upon by the respondents at the time of the reference were same and the original Award of the Land Acquisition Officer is also the same. Therefore, the dispute raised by the Government as regards the order of the Reference Court has to be

dealt with identically. By the judgment and order dated 13th June, 2011 this Court has held that, the Reference Court has come to a correct conclusion that the market value of the lands under acquisition deserves to be fixed at the rate of Rs.90,000/- per hectare and there is no error in the approach of the Reference Court in accepting that rate. Applying the same, there cannot be a different view taken in the present case. Hence, the appeals are required to be dismissed. The appeals are dismissed.

2). With dismissal of the First Appeals, Civil Application No. 387 of 2004, Civil Application No. 9300 of 1999 do not survive. The same is accordingly disposed off.

(SMT. R.P. SONDURBALDOTA, J)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 9602 OF 1998
ALONGWITH
CIVIL APPLICATION NO. 1027 OF 2001
IN
FIRST APPEAL (ST) NO. 9602 OF 1998

The State of Maharashtra

.....Appellant

V/s.

Vijaykumar Atmaram Deshpande
and anr.

.....Respondents

* * * * *

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

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

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 5TH MAY, 2016.

P.C. :-

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

2). Both the Advocates point out that, the above appeals would be governed by the judgment and order dated 13th June, 2011 passed by the Bench of 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 as all these appeals arise out of acquisition of lands under the same Notification i.e. Notification dated 12th August, 1984. The lands in question are also from the same village i.e. Village- Indapur, District- Pune. The sale instances relied upon by the respondents at the time of the reference were same and the original Award of the Land Acquisition Officer is also the same. Therefore, the dispute raised by the Government as regards the order of the Reference Court has to be dealt with identically. By the judgment and order dated 13th June, 2011 this Court has held that, the Reference Court has come to a correct conclusion that the market value of the lands under acquisition deserves to be fixed at the rate of Rs.90,000/- per hectare and there is no error in the approach of the Reference Court in accepting that rate. Applying the same, there cannot be a different view taken in the present case. Hence, the appeal is required to be dismissed. The appeal is dismissed.

2). With dismissal of the First Appeal, Civil Application No. 1027 of 2001 does not survive. The same is accordingly disposed off.

(SMT. R.P. SONDURBALDOTA, J)