

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

FA NO.2894/2016gr

**4 FIRST APPEAL NO. 2894 OF 2016
WITH FA/2893/2016**

THE EXECUTIVE ENGINEER, LIFT IRRIGATION (P.T.M.I.W)
DIVISION, OSMANABAD AND ANR
VERSUS
DATTU MANOHAR KEDAR

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Advocate for Appellants : Mr. T.M.Venjane h/f
Smt.Gangwal Madhubala B.
AGP for Respondent State: Mr. S.P.Sonpawale

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CORAM : P.R. BORA, J.
Dated: June 21, 2017

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PER COURT :-

1. The acquiring body has filed the present appeals taking exception to the common judgment and award passed by 4th Joint Civil Judge, Senior Division, (hereinafter referred to as the Reference Court) at Osmanabad, on 8th of April, 2013 in LAR No.250/2006 with LAR No.243/2006.

2. I have perused the common Judgment and Award challenged in the present appeals. The record reveals that the land which was subject matter of LAR No.250/2006 is admeasuring 8 R whereas, the land which was the subject matter of LAR No.243 of 2006 is admeasuring 9 R. The Reference Court has determined the market value of the said lands at the rate of Rs.63,200/- per acre. It is thus evident that the amount of compensation as has been determined by the Reference Court in one matter comes to

agp/-

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Rs. 12,640/- and in another Rs. 14,220/-. Considering the meager amount of compensation as aforesaid, in fact it was not advisable for the acquiring body to prefer appeals in such matters. The acquisition is of the year 1996. The Reference Applications were preferred in 2006 and were decided in 2013. After 21 years of the acquisition, there seems no propriety now in causing any interference in the Judgment and Award passed by the Reference Court. As I mentioned earlier since the amount of compensation as awarded by the Reference Court is very meager, I am not even inclined to issue any notice to the respondents. Without going into merits of the objections raised in the appeals in exception to the impugned Judgment and Award, only on the ground that the amount as awarded by the Reference Court in one matter is Rs.12,614/- and in another, it is Rs.14,220/-, I summarily dismiss the appeals filed by the acquiring body. Civil Applications, if any, stand disposed of.

(P.R. BORA, J.)

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