

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

921 FIRST APPEAL NO. 1284 OF 2017

RAMESH SHANKAR MAHAJAN DIED THRO. L.RS.
KIRAN RAMESH MAHAJAN

VERSUS

THE STATE OF MAHA THR THE SPECIAL LAND
ACQUISITION OFFICER, JALGAON AND ANOTHER

...

954 FIRST APPEAL NO. 1319 OF 2017

VASANT SHAMRAO MAHAJAN

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER, JALGAON
AND ANOTHER

...

Advocate for Appellant : Mr Kale Ajeet B.

AGP for Respondents: Mr S P Sonpavale/B V Virdhe

Advocate for Respondent 2 : Mrs. Vaishali Jadhav

...

CORAM : V.K. JADHAV, J.

Dated: April 26, 2017

...

ORAL ORDER :-

1. All the above first appeals are directed against the judgment and award passed by the Reference Court in respect of the lands acquired at village Hivarkheda, Tq. Jamner, for Waghur Dam/Canal Project. Notification under section 4 of the Act came to be published in respect of the acquisition of the lands on 22.1.1998, however, purpose of the acquisition is for construction of the Waghur

Dam/Canal. The SLAO has awarded inadequate amount of compensation and as such, the respondent original claimants preferred reference under section 18 of the Act of 1894 for enhancement of the compensation. The appellants-claimants have claimed compensation @ Rs.3,00,000/- lacs Per Hectare for Jirayat Lands and Rs.1,50,000/- per Hectare for Pot Kharab lands. In the said Reference Petitions, the Reference Court has awarded compensation in respect of Jirayat Lands @ Rs.2.00 lacs per Hectare, and in respect of Pot Kharab Lands Rs.1.00 lacs per hectare.

2. Being aggrieved by the judgment and award passed by the Reference Court, original claimants have preferred above mentioned appeals challenging the judgment and award passed by the Reference Court. The Reference Court has awarded the compensation at the enhanced rate as mentioned above by relying on sale instance dated 16.1.1996 in respect of the 50 Aars of lands and sale instance dated 13.1.1997 in respect of 40 Rs of land for deciding market value of the acquired lands. The notification under section 4 of the Act, 1894 was issued on 21.8.1997, whereas both sale instances are from the same period i.e. of the year 1996-1997 respectively.

3. In a case **Special Land Acquisition Officer and another Vs. Bhagwat Vithal Sonwane reported in 2009 BCI 19**, the Division Bench of this Court had an occasion to consider the appeals preferred by the SLAO and acquiring body against the judgment and award passed by the Reference Court in the same Award. The Division Bench of this Court has also considered those two sale instances relied upon by the Reference Court and by order dated 5.1.2009 dismissed the said appeals by confirming the order passed by the Reference Court.

4. Learned counsel appearing for the respondent/acquiring body has not disputed this position. Furthermore, in view of the judgment and award passed by the Division bench of this Court in the aforesaid case of **Special Land Acquisition Officer and another Vs. Bhagwat Vithal Sonwane reported in 2009 (4) Mh.L.J. 308**, in First Appeal (St.) No.21132/2008 with FA St Nos.12017/2008 and other connected appeals, on instructions, the S.L.A.O., Jalgaon has made statement before the Lok Adalat held on 8.4.2017 that the Government has acquiesced the judgment and award passed by the

Reference Court and as such, the aforesaid appeals before the Lok-Adalat which arises out of the same Award passed in respect of the lands acquired for Waghur Dam/Canal came to be disposed off.

5. In view of the above, there is no reason to take another view. The appeals are, therefore, liable to be dismissed. Hence, following order.

O R D E R

1. All the First Appeals are hereby dismissed.
2. In the circumstances, there shall be no order as to costs.
3. In view of dismissal of First Appeals, Civil Applications for stay do not survive for consideration and stands disposed of.

(V.K. JADHAV, J.)

...

aaa/-

aaa/-