

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 937 OF 2009

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION, LATUR
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Ruturaj Patil

AGP for Respondent No.1: Mr. D.R. Kale

Advocate for respondent No.2/1 to2/6: Mr. D.J. Choudhari

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CORAM : V. K. JADHAV, J.

DATED : 21ST JULY, 2017

PER COURT:-

1. Heard learned counsel for respective parties.
2. This first appeal arises out of the land acquisition proceedings, where under the lands in village Tupadi, Tq. Nilanga, District Latur were acquired for the purpose of submergence of Masalaga medium project.
3. Learned counsel for the respondents-claimants has placed on record a copy of judgment dated 02.05.2016 delivered by this Court (Coram: P.R. Bora, J.) in first appeal No. 922 of 2009 and other connected appeals. Learned counsel for the respondents-claimants submits that present appeal arises out of same acquisition proceedings. The learned counsel for appellant as well as the

learned A.G.P. appearing for respondent No.1 State fairly concede this position.

4. In the aforesaid first appeal No. 922 of 2009 alongwith other connected appeals, this Court had an occasion to consider the judgment and award passed by the Reference Court by relying upon the sale transaction dated 30.8.1984 and this Court in the said group of appeals, held that the Reference Court has rightly considered the said sale instance alongwith other sale transactions. In the instant appeal also, the Reference Court has considered the same sale transaction for awarding compensation at the enhanced rate. This Court in first appeal No. 922 of 2009 and other connected appeals upheld the judgment and award of the Reference Court awarding compensation at the enhanced rate of Rs.15,000/- per acre. In the present appeal, the Reference Court has awarded the compensation at the rate of Rs.375/- per Are i.e. Rs.15,000/- per Acre. Thus, in order to maintain uniformity in the compensation, as awarded at the enhanced rate and if the said first appeals preferred by the acquiring body are dismissed considering that the compensation awarded by the reference court is just and proper, this appeal is also required to be dismissed.

5. In the light of above and for the reasons recorded in the

judgment dated 02.05.2016, delivered by this Court in first appeal No. 922 of 2009 and other connected appeals, no other view than the view taken by this Court in the aforesaid first appeals is possible. Hence, I proceed to pass the following order:-

O R D E R

The first appeal is hereby dismissed. No costs.

(V. K. JADHAV, J.)

aaa/