

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

912 FIRST APPEAL NO. 802 OF 2017

RAJENDRA SHAHURAJ KAVALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Appellants : Mr. Ingale Vivekanand V.
AGP for Respondent State: Mr. S. S. Dande

CORAM : K. L. WADANE, J.

DATE : 7th September, 2017

ORDER:

1. By consent of the parties, the first appeal is taken up for final hearing at the admission stage.

2. Heard Mr. Ingale, the learned counsel for the appellants and Mr. Dande, the learned AGP for the State.

3. Mr. Ingale, the learned counsel for the appellants submits that initially, the present appellants and other claimants namely Shivaji Namdeo Alange and Sojarbai w/o Ganpati Nikam have filed their respective land acquisition references i.e. LAR No.192/1988, 196/1988 and 195/1988 respectively. The reference court, after recording evidence of the parties and after hearing both the sides, has awarded compensation @ Rs.9000/- per acre to the respective claimants including the present appellants alongwith

other statutory benefits by a common judgment and order dated 25th September, 1990.

4. The claimant in LAR No. 196/1988 i.e. Shivaji Alange has assailed the common Judgement & order of the reference Court by way of filing First Appeal No.461/1993 and this Court (Coram K.U. Chandiwal, J.), after appreciation of evidence on record and after hearing both the parties, enhanced the amount of compensation to Rs.17,000/- per acre for the respective acquired land. Therefore, there is no reason to take a different view than the one recorded by this Court while deciding First Appeal No. 461/1993.

5. In view of the above, it is held that the appellants in the present appeal are entitled for compensation @ Rs.17,000/- per acre alongwith statutory benefits as ordered by the reference court. First appeal is accordingly disposed of. No order as to costs.

(K. L. WADANE, J.)

JPC