

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL (ST.) NO. 32319 OF 2013 WITH C.A. NO. 15766 OF 2013

THE STATE OF MAHARASHTRA V/S KISHAN APPARAO AGE

WITH

FIRST APPEAL (ST.) NO. 32480 OF 2013 WITH C.A. NO. 15768 OF 2013

THE STATE OF MAHARASHTRA V/S MADHUKAR NARHARI SIRSAT

WITH

FIRST APPEAL (ST.) NO. 32546 OF 2013 WITH NO. 15770 OF 2013

THE STATE OF MAHARASHTRA V/S PANDURANG NARAYAN SIRSAT

WITH

FIRST APPEAL (ST.) NO. 32495 OF 2013 WITH C.A. NO.15772 OF 2013

THE STATE OF MAHARASHTRA V/S CHAGAN LIMBAJI ITAPE

WITH

FIRST APPEAL (ST.) NO. 32561 OF 2013 WITH C.A. NO. 15774 OF 2013

THE STATE OF MAHARASHTRA V/S SUBHASH SOPAN GAIKWAD U/G OF
HIS FATHER SOPAN GAYNOBA GAIKWAD AND ANOTHER

WITH

FIRST APPEAL (ST.) NO. 32559 OF 2013 WITH C.A. NO.15776 OF 2013

THE STATE OF MAHARASHTRA V/S BHAGWAT GNYANOBA ITAPE U/G
TARAMATI DNYANOBA ITAPE AND OTHERS

WITH

FIRST APPEAL (ST.) NO. 32587 OF 2013 WITH C.A. NO. 15778 OF 2013

THE STATE OF MAHARASHTRA V/S MAHADEO SHANKAR SIRSAT AND
OTHERS

WITH

FIRST APPEAL (ST.) NO. 32489 OF 2013 WITH C.A. NO. 15780 OF 2013

THE STATE OF MAHARASHTRA V/S VILAS BHASKARRAO SIRSAT, MINOR,
U/G RUKHMINIBAI AND ANR.

WITH

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THE STATE OF MAHARASHTRA V/S MAHADEO BHAGWAN SIRSAT

WITH

FIRST APPEAL (ST.) NO. 32468 OF 2013 WITH C.A. NO. 15784 OF 2013

THE STATE OF MAHARASHTRA V/S RAMRAO KISHAN CHALAK AND ANR.

WITH

FIRST APPEAL (ST.) NO. 32441 OF 2013 WITH C.A. NO. 15786 OF 2013

THE STATE OF MAHARASHTRA V/S DATTU RAMA SONWANE

WITH

FIRST APPEAL (ST.) NO. 32416 OF 2013 WITH C.A. NO. 15788 OF 2013

THE STATE OF MAHARASHTRA V/S KISHAN MADHAVRAO UNDRE

WITH

FIRST APPEAL (ST.) NO. 32444 OF 2013 WITH C.A. NO. 15790 OF 2013

THE STATE OF MAHARASHTRA V/S NIWARTI KUNDALIK SONWANE

WITH

FIRST APPEAL (ST.) NO. 32580 OF 2013 WITH C.A. NO. 15792 OF 2013

THE STATE OF MAHARASHTRA V/S DNYANOBA MADHAVRAO DESHMUKH
AND OTHERS

WITH

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THE STATE OF MAHARASHTRA V/S LAXMAN ASHRUBA DORLE

WITH

FIRST APPEAL (ST.) NO. 32584 OF 2013 WITH C.A. NO. 15796 OF 2013

THE STATE OF MAH. V/S PANDURANG BABASAHEB CHAVAN AND ORS.

WITH

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THE STATE OF MAHARASHTRA V/S ARUN PANDHARINATH SIRSAT

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WITH

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AND OTHERS

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FIRST APPEAL (ST.) NO. 32570 OF 2013 WITH C.A. NO. 15808 OF 2013

THE STATE OF MAHARASHTRA V/S KRISHNABAI AMBADAS KORDHE

WITH

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THE STATE OF MAH.V/S JAGANNATH RAMBHAU SIRSAT AND ANR.

WITH

FIRST APPEAL (ST.) NO. 32525 OF 2013 WITH C.A. NO. 15812 OF 2013

THE STATE OF MAHARASHTRA V/S VITTHAL KHIRAJI KORDE

WITH

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THE STATE OF MAHARASHTRA V/S CHANDRABHAGABAI JANARDHAN
DESHMUKH AND ANR.

WITH

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THE STATE OF MAHARASHTRA V/S THAKUBAI DAGDU AGE

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THE STATE OF MAHARASHTRA V/S BUWASAHEB VITTHAL MORE AND
ANR.

WITH

FIRST APPEAL (ST.) NO. 32428 OF 2013 WITH C.A. NO. 15822 OF 2013

THE STATE OF MAH. V/S ASARAM VINAYAK DESHMUKH AND OTHERS

WITH

FIRST APPEAL (ST.) NO. 32558 OF 2013 WITH C.A. NO. 15824 OF 2013

THE STATE OF MAH. V/S BAJIRAO KESHAVRAO SONWANE AND ANR.

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WITH
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WITH
FIRST APPEAL (ST.) NO. 32516 OF 2013 WITH C.A. NO. 15828 OF 2013
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THROUGH L.RS. CHANDERRAO ANANDRAO KHOTAWALE AND ANR.

WITH
FIRST APPEAL (ST.) NO. 32435 OF 2013 WITH C.A. NO. 15830 OF 2013
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THE STATE OF MAHARASHTRA V/S UTTARESHWAR HARIBHAU
DESHMUKH DIED THROUGH L.RS. SHOBHA UTTARESHWAR DESHMUKH
AND ANR.

WITH
FIRST APPEAL (ST.) NO. 32492 OF 2013 WITH C.A. NO. 15834 OF 2013
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FIRST APPEAL (ST.) NO. 32552 OF 2013 WITH C.A. NO. 15840 OF 2013
THE STATE OF MAHARASHTRA V/S VISHWANATH LIMBAJI SIRSAT AND
ORS.

WITH
FIRST APPEAL (ST.) NO. 32456 OF 2013 WITH C.A. NO. 15842 OF 2013
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L.RS. CHHAYA AND OTHERS

WITH

FIRST APPEAL (ST.) NO. 32453 OF 2013 WITH C.A. NO. 15844 OF 2013
THE STATE OF MAHARASHTRA V/S UDHAV PANDHARINATH DESHMUKH

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FIRST APPEAL (ST.) NO. 32474 OF 2013 WITH C.A. NO. 15846 OF 2013
THE STATE OF MAHARASHTRA V/S RAMCHANDRA NARAYANRAO SIRSAT
AND ANR.

WITH
FIRST APPEAL (ST.) NO. 32537 OF 2013 WITH C.A. NO. 15848 OF 2013
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WITH
FIRST APPEAL (ST.) NO. 32510 OF 2013 WITH C.A. NO. 15850 OF 2013
THE STATE OF MAH V/S PANDURANG VITTHAL SIRSAT AND ANR.

WITH
FIRST APPEAL (ST.) NO. 32595 OF 2013 WITH C.A. NO. 15851 OF 2013
THE STATE OF MAHARASHTRA V/S ACHUT GOVIND SIRSAT

WITH
FIRST APPEAL (ST.) NO. 32409 OF 2013 WITH C.A. NO. 15854 OF 2013
THE STATE OF MAH. V/S ATMARAM NVIRUTTI BHANGE AND OTHERS

WITH
FIRST APPEAL (ST.) NO. 32459 OF 2013 WITH C.A. NO. 15856 OF 2013
THE STATE OF MAHARASHTRA V/S RAOSAHEB SHANKARRAO DESHMUKH
AND ORS.

WITH
FIRST APPEAL (ST.) NO. 32522 OF 2013 WITH C.A. NO. 15858 OF 2013
THE STATE OF MAHARASHTRA V/S MANOHAR BHAURAO DESHMUKH

WITH
FIRST APPEAL (ST.) NO. 32507 OF 2013 WITH C.A. NO. 15860 OF 2013
THE STATE OF MAHARASHTRA V/S NARAYAN BHIMA SIRSAT AND ANR.

WITH
FIRST APPEAL (ST.) NO. 32528 OF 2013 WITH C.A. NO. 15862 OF 2013
THE STATE OF MAHARASHTRA V/S PANDHARINATH ASRUBA DESHMUKH
AND ORS.

WITH
FIRST APPEAL (ST.) NO. 32486 OF 2013 WITH C.A. NO. 15864 OF 2013

THE STATE OF MAHARASHTRA V/S MANOHAR MARUTI SIRSAT AND ORS.

WITH

FIRST APPEAL (ST.) NO. 32513 OF 2013 WITH C.A. NO. 15866 OF 2013

THE STATE OF MAHARASHTRA V/S DEVIDAS LIMBA BHANGE AND OTHERS

WITH

FIRST APPEAL (ST.) NO. 32501 OF 2013 WITH C.A. NO. 15868 OF 2013

THE STATE OF MAHARASHTRA V/S LIMBAJI CHANDRABHAN KEDAR

WITH

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THE STATE OF MAHARASHTRA V/S SAHEBRAO RAMA MORE AND ANR.

WITH

FIRST APPEAL (ST.) NO. 32462 OF 2013 WITH C.A. NO. 15872 OF 2013

THE STATE OF MAH. V/S SHANKAR TUKARAM SIRSAT AND OTHERS

WITH

FIRST APPEAL (ST.) NO. 32534 OF 2013 WITH C.A. NO. 15874 OF 2013

THE STATE OF MAHARASHTRA V/S PRABHU SOMA SONWANE

WITH

FIRST APPEAL (ST.) NO. 32543 OF 2013 WITH C.A. NO. 15876 OF 2013

THE STATE OF MAHARASHTRA V/S DADAN KUNDALIK SONWANE

WITH

FIRST APPEAL (ST.) NO. 32450 OF 2013 WITH C.A. NO. 15878 OF 2013

THE STATE OF MAHARASHTRA V/S DEVIDAS TATYA DESHMUKH, DIED
THROUGH L.RS. BALAJI

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AGP for Applicants : Mr. B.V. Virdhe

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CORAM : V. K. JADHAV, J.
DATED : 18th APRIL, 2017

PER COURT:-

1. Heard learned A.G.P. for the appellants.
2. All these appeals are directed against the common judgment and

award passed by the 1st Adhoc District Judge, Ambejogai dated 23.9.2004 in L.A.R. Nos. 238 of 1992 to 294 of 1992.

3. Brief facts giving rise to the present appeals are as follows:-

a. The lands belonging to the claimants situated at villages Kalegaon-Ghat, Massajog and Arangaon, Tq. Kaij, district Beed, came to be acquired by the respondent State for the construction of Borgaon-Hanumant Pimpri Road, vide notification under Section 4(1) of the Land Acquisition Act published on 24.12.1987. The Special Land Acquisition Officer, Beed by award dated 5.2.1990 awarded the compensation ranging from Rs.100 per R to Rs.140/- per R, as detailed in para 4 of the impugned judgment and award.

b. Being dissatisfied by the compensation awarded by the Special Land Acquisition Officer, Beed the respondents/original claimants sought enhancement of compensation on various grounds by filing Land Acquisition Reference petitions as stated above. It has been contended in the said reference petitions that the Special Land Acquisition Officer did not consider the quality and fertility of the acquired lands and thus awarded the compensation at lower side. It has also been contended that the acquired lands had facility of irrigation of well water and of superior quality. The respondents claimants were taking crops in two seasons and also taking cash crops in the acquired lands by well water

and by laying PVC pipeline and also water channel. According to the claimants, at the relevant time, the market price of the acquired lands in question was Rs.30,000/- per acre. According to them, the Special Land Acquisition Officer did not visit the acquired lands and fixed the compensation on the basis of land revenue assessment. The claimants therefore prayed for enhancement of compensation for the acquired lands at the rate of Rs.1250/- per R i.e. at the rate of Rs.50,000/- per acre in six references and in rest of the references benefits available under the Act.

c. The appellant State has strongly resisted the reference petitions by filing written statement. It has been contended that the Special Land Acquisition Officer has awarded just and reasonable compensation and the same has been awarded after holding due inquiry. The Special Land Acquisition Officer has also considered the sale instances and made groups of the lands and determined the market value.

d. The claimants have tendered their evidence in L.A.R. No. 291 of 1992 and also produced copies of 7x12 extracts of their respective lands. Certified copy of the award, Statement "E" and certified copies of sale instances vide Exh. 20 and 32. In addition to that, the claimants have also produced on record the certified copy of judgment in LAR No. 106 of 1990 vide Exh.30 and certified copy of deposition in L.A.R. No.106 of 1990 vide Exh.31. The appellant State has not adduced any

evidence.

e) The learned 1st Adhoc Additional District Judge, Ambejogai, by its impugned judgment and award dated 23.9.2004 awarded the compensation at the enhanced rate of Rs.360/- per R in L.A.R. No. 270 of 1992, 288 of 1992, 289 of 1992, 290 of 1992, 291 of 1992 and 292 of 1992 and Rs.300/- per R in rest of the references. Hence, these first appeals.

4. Learned A.G.P. for the appellant State submits that though the Reference Court has discarded sale instances at Exh. 20 and 32 respectively, on the ground as detailed in para 26 to 28 of the judgment and further in para 29 of the judgment has observed about as to how the judgment delivered in L.A.R. No. 106 of 1990 vide Exh.30 cannot be made applicable to the facts and circumstance of the reference petitions, awarded the compensation at the enhanced rate ranging between Rs.300/- per R to Rs.360/- per R, without any basis.

5. On careful perusal of the judgment and award passed by the Reference Court, I find that the Reference Court in para 30 of the judgment has rightly observed that the Special Land Acquisition Officer has awarded the compensation erroneously by making groups of the lands on the basis of the land revenue assessment and as such, the compensation awarded on its basis cannot reflect about adequate and

proper compensation. The learned Judge of the Reference Court though given reference to the judgment passed in L.A.R. No. 106 of 1990 vide Exh.30, independently assessed the potentiality and fertility of the acquired lands. Though the respondents claimants have claimed compensation at the rate of Rs.1250/- per R corresponds to Rs.50,000/- per acre, the reference Court has awarded the compensation at the enhanced rate ranging between Rs.300/- per R to Rs.360/- per R, corresponds to Rs.12,000/- per acre to Rs.14,400/- per acre respectively. The reference Court has awarded the enhanced compensation at a very meager rate. The impugned judgment is well reasoned judgment. I do not find any fault in the judgment and award passed by the Reference Court. Furthermore, the State has also preferred the appeals after an inordinate delay of more than 8 years.

6. In view of above, I do not find any substance in the aforesaid first appeals and all the first appeals are accordingly dismissed at the admission stage itself.

7. In view of dismissal of first appeals, pending civil applications seeking stay are also disposed of.

(V. K. JADHAV, J.)

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