

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.341 OF 2006
WITH
CROSS OBJECTION (ST)NO.22081 OF 2008**

The State of Maharashtra ... Appellant
Versus

Mominpada Masjid Yakub Baig Trust ... Respondents

**WITH
FIRST APPEAL NO.342 OF 2006 (Not on board)
WITH
CROSS OBJECTION (ST) NO.22091 OF 2008**

The State of Maharashtra ... Appellant
Versus

Mominpada Masjid Yakub Baig Trust ... Respondents

**WITH
FIRST APPEAL NO.343 OF 2006 (Not on board)
WITH
CROSS OBJECTION (ST) NO.22104 OF 2008**

The State of Maharashtra ... Appellant
Versus

Mominpada Masjid Yakub Baig Trust ... Respondents

**WITH
FIRST APPEAL NO.344 OF 2006 (Not on board)
WITH
CROSS OBJECTION (ST) NO.22114 OF 2008**

The State of Maharashtra ... Appellant
Versus

Mominpada Masjid Yakub Baig Trust ... Respondents

WITH

**FIRST APPEAL NO.345 OF 2006 (Not on board)
WITH
CROSS OBJECTION (ST) NO.22058 OF 2008**

The State of Maharashtra ... Appellant
Versus

Mominpada Masjid Yakub Baig Trust ... Respondents

**WITH
FIRST APPEAL NO.346 OF 2006 (Not on board)
WITH
CROSS OBJECTION (ST) NO.22065 OF 2008**

The State of Maharashtra ... Appellant
Versus

Mominpada Masjid Yakub Baig Trust ... Respondents

**WITH
FIRST APPEAL NO.347 OF 2006 (Not on board)
WITH
CROSS OBJECTION (ST) NO.22071 OF 2008**

The State of Maharashtra ... Appellant
Versus

Mominpada Masjid Yakub Baig Trust ... Respondents

**WITH
FIRST APPEAL NO.348 OF 2006 (Not on board)
WITH
CROSS OBJECTION (ST) NO.22075 OF 2008**

The State of Maharashtra ... Appellant
Versus

Mominpada Masjid Yakub Baig Trust ... Respondents

.....
Mr.Yogesh Dabke, AGP for Appellant.
Mr.Senior Advocate, Rajiv Patil a/w Sachin Pande for Respondents
.....

CORAM : S.C.GUPTE, J.
DATE : 20 APRIL 2017

P.C. :

1. This group of appeals arises out of a common judgment and order passed by the Reference Court. The lands forming the subject matter of the Appeal are all from village Wadghar, District Raigad. These lands have been acquired under the Land Acquisition Act. The dispute between the parties pertains to the market value of the lands.

2. By the judgment delivered by this Court on 2nd and 6th July 2015 in **State of Maharashtra V/s Shankar Vithhal Gulave (F.A.No.1310 of 2005)** and other connected matters, after hearing the parties, including the State, this Court came to the conclusion that the market value of lands in village Wadghar was at the rate of Rs.1725/- per sq.meter and in addition to such market value, the claimants would also be entitled to statutory benefits under Sections 23 (1A), 23(2) and Section 28 of the Land Acquisition Act, 1894. It is not in dispute that the lands in the present matters are all in village Wadghar. The market value determined by this court in case of **State of Maharashtra V/s Shankar Vithhal Gulave and others** (*supra*) squarely holds good for the present case as well.

3. In the premises, the appeals and cross-objections in these matters are disposed of by modifying the common impugned judgment and order by determining the market value of the lands at the rate of Rs.1725/- per

Sq.meter. The claimants would be entitled to such market value in addition to the other statutory benefits under Sections 23 (1A), 23(2) and Section 28 of the Land Acquisition Act, 1894. The Reference Court shall carry out the exercise of computing the amount of compensation in terms of the modified award within a period of four months from the date on which the writ of this court in these appeals and cross-objections is received by the Reference Court. Before arriving at the final computation of the compensation amount payable in terms of the modified judgment and award, the Reference Court shall give an adequate opportunity of being heard to the State. Differential amounts of the awards, as a result of this order, shall be deposited in the Reference Court by the State Government within a period of four months from the date of adjudication of the amounts payable.

4. An authenticated copy of this order, alongwith reference and proceedings, be forwarded to the Reference Court. The claimants would be entitled to proportionate costs throughout of their cross-objections.

(S.C. GUPTE, J.)