

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

918 FIRST APPEAL NO.4244 OF 2016

1. The Executive Engineer,
Minor Irrigation Division No.1,
Sinchan Bhavan, Jalna Road,
at Aurangabad.
2. State of Maharashtra
Through Special Land Acquisition
Officer, Collector Office,
Aurangabad. ..Appellants

VERSUS

Laxman Jairam Dhokale
Age: 49 years, Occu.: Agri,
R/o.Pendgaon, Tq.Sillod,
Dist.Aurangabad. ..Respondent

...

Advocate for Appellants : Mr.Rajale Gulab B.
Advocate for Respondents : Mr.Adkine S. K.

...

**WITH
FIRST APPEAL NO.2167 OF 2017
WITH
FIRST APPEAL NO.2151 OF 2017
WITH
FIRST APPEAL NO.2165 OF 2017
WITH
FIRST APPEAL NO.2166 OF 2017
WITH
FIRST APPEAL NO.2092 OF 2017
WITH**

**FIRST APPEAL NO.2163 OF 2017
WITH
FIRST APPEAL NO.2093 OF 2017
WITH
FIRST APPEAL NO.1808 OF 2017
WITH
FIRST APPEAL NO.1807 OF 2017
WITH
FIRST APPEAL NO.2094 OF 2017
WITH
FIRST APPEAL NO.2095 OF 2017
WITH
FIRST APPEAL NO.1795 OF 2017
WITH
FIRST APPEAL NO.2149 OF 2017
...**

**CORAM : M.S.SONAK, J.
DATE :23.1.2018**

ORAL JUDGMENT:-

1) Learned counsel for the parties submit that along with this First Appeal, connected First Appeal Nos.2167 Of 2017, 2151 Of 2017, 2165 Of 2017, 2166 Of 2017, 2092 Of 2017, 2163 Of 2017, 2093 Of 2017, 1808 Of 2017, 1807 Of 2017, 2094 Of 2017, 2095 Of 2017, 1795 Of 2017 and 2149 of 2017 be taken on board and disposed of today itself.

2) In view of the aforesaid, even connected matter though not on board, are called for and are taken on board for the purpose of disposal.

3) Learned counsel for the parties point out that all these appeals infact challenge common Judgment and award dated 3.5.2013, by which the Reference Court has enhanced the compensation in respect of the acquired lands from Rs.995/- per Are to Rs.2,500/- per Are in respect of seasonally irrigated land and Rs.1,667/- per Are in respect of Jirayat land.

4) The learned counsel for the respondents-claimants had infact mentioned all these matters earlier for final disposal and today he points out that the Reference Court, by another Judgment and award dated 27.10.2014 has enhanced the compensation from Rs.950/- per Are to Rs.6,200/- per Are in respect of seasonally irrigated land, which came to be acquired under the very same

Section 4 Notification from the same village and for the same Project. He points out that the acquiring body or the State of Maharashtra had not preferred any appeal to question the Judgment and award dated 27.10.2014, which means that they have accepted such rate.

5) Aforesaid statement of the learned counsel for the respondents-claimants is not disputed by Mr.G.B.Rajale learned counsel for the appellants.

6) In view of the aforesaid, it is only appropriate that these appeals be disposed of as requested by the learned counsel for the appellants and respondent-claimants.

7) Apart from this, the enhanced rate in the present case is well within the limits prescribed in the Government Resolution dated 3.11.2016 as amended from time to time. This Government Resolution relates to the

policy of the State Government that it shall not institute or pursue appeals where the enhanced compensation is less than four times of the Ready Reckoner Rate prevalent on the date of the issue of Section 4 Notification.

8) For the aforesaid reasons, all these appeals are liable to be dismissed and the same are hereby dismissed.

9) The Civil Applications do not survive and the same are also disposed of.

10) In view of the disposal of the appeals, the compensation amount deposited by the appellants can now be withdrawn by the respondents-claimants alongwith interest if any, which may have accrued thereon, subject to the usual verification procedure to be undertaken by the Registry.

[M.S.SONAK, J.]