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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

901 FIRST APPEAL NO.317 OF 2007
WITH FA/318/2007

THE STATE OF MAHARASHTRA & OTHERS
VERSUS
HARIBHAU KRISHNAJI BERAD L.RS. SURYABHAN & OTHERS

...

AGP for Appellants : Shri S.W. Munde
Advocate for Respondents : Shri P.K. Palve

CORAM: V.L. ACHLIYA, J.
DATE: 09.08.2019

PER COURT :

1] Both these appeals arise out of judgment and award dated 23.1.2002 passed by learned Civil Judge, Senior Division, Ahmednagar, in LAR Nos.58/1990 and 108/1992. By the impugned judgment and award, the appellants have challenged the quantum of compensation awarded by the Reference Court.

2] Learned counsel for the respondents – claimants submits that for the purpose of acquisition of land for the Defence Department of Government of India i.e. Mechanized Infantry Regiment Centre at Aurangabad (hereinafter referred as MIRC), the land of respondents – claimants as well as other persons was acquired. As

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against the award passed by Special Land Acquisition Officer in LAR No.67/1990, number of references were filed and the same were decided by judgment and order dated 23.1.2002 by Joint Civil Judge, Senior Division, Ahmednagar. As against said judgment and award, number of appeals were filed. By judgment and order dated 11.2.2016 passed in First Appeal No.1015/2004 (State of Maharashtra v. Sonyabapu Berad & others) and group of matters decided by this Court (T.V. Nalawade, J.), the appeals were dismissed and the judgment and order passed by the Reference Court has been upheld.

3] It is submitted that the present appeals are arising from same group of matters. The challenge raised in these appeals is one and the same and in view of the decision dated 11.2.2016 delivered by this Court in First Appeal No.1015/2004 and others, these appeals deserve to be disposed of in terms of order dated 11.2.2016 passed in group of appeals decided by this Court.

4] Learned AGP submits that as per the order dated 11.4.2007 passed by this Court (Coram: N.V. Dabholkar, J.), present appeals alongwith First Appeal No.316/2007 were directed to be clubbed together and placed for

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hearing. It is pointed out that vide order dated 30.4.2017 passed in First Appeal No.316/2007 by this Court (V.K. Jadhav, J.), the said appeal has been disposed of in terms of order dated 11.2.2016 passed in First Appeal No.1015/2004 and group of appeals decided by this Court. Learned AGP fairly concedes that the challenge raised in the present appeals and the appeals decided vide judgment and order dated 11.2.2016 is one and the same.

5] On due consideration of the submissions advanced in the light of overall facts of the appeals and further perused the order dated 13.4.2017 passed in First Appeal No.316/2007 and the judgment and order dated 11.2.2016 passed in First Appeal No.1015/2004 and connected matters, I am of the view that the challenge raised in the appeals is identical to challenge raised in the appeals already decided by this Court vide order dated 11.2.2016 and these appeals deserve to be disposed of in terms of order dated 11.2.2016 passed in First Appeal No.1015/2004 and connected matters. Accordingly, the appeals are disposed of in terms of judgment and order dated 11.2.2016 passed in First Appeal No.1015/2004 and

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connected matters. The amount if any deposited in this Court or Reference Court, in terms of order passed by this Court, then the same be paid to the respondents – claimants in terms of award passed by the Reference Court. So also if any bank guarantee / surety is furnished by the respondents while withdrawing the amount in terms of any order passed by this Court, then the same shall stand discharged in view of disposal of the appeals. Civil applications if any pending in the appeals stand disposed of in terms of order passed in appeals.

7] The appeals are disposed of in aforesaid terms.

(V.L. ACHLIYA, J.)