

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

**903 CIVIL APPLICATION NO.8228 OF 2020
IN FIRST APPEAL (ST) NO.7988 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS**

VERSUS

**BABURAO RAJARAM KAMBLE (DIED) THROUGH LRs.
RAM RAJARAM KAMBLE**

WITH

**CIVIL APPLICATION NO.8232 OF 2020 IN FIRST
APPEAL (ST) NO.8146 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS**

VERSUS

PRASHANT MANOHAR JOSHI

WITH

**CIVIL APPLICATION NO.8234 OF 2020 IN FIRST
APPEAL (ST) NO.8149 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS**

VERSUS

PRAHAKAR BABURAO PASTAPURE

AND

**904 CIVIL APPLICATION NO.8246 OF 2020
IN FIRST APPEAL (ST) NO.8129 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS**

VERSUS

BALAJI VITHAL KOLPUSE

WITH

**CIVIL APPLICATION NO.8242 OF 2020 IN FIRST
APPEAL (ST) NO.8137 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS**

VERSUS

**BHANUDAS DHONDIBA KASBE THROUGH POWER OF
ATTORNEY BALAJI VITHAL KOLPUSE**

WITH

**CIVIL APPLICATION NO.8248 OF 2020 IN FIRST
APPEAL (ST) NO.8101 OF 2020**

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS
VERSUS
DNYANOBA MOTIRAM POTPHALE AND ANOTHER

WITH
CIVIL APPLICATION NO.8236 OF 2020 IN FIRST
APPEAL (ST) NO.7985 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS
VERSUS

BALAJI KASHIRAM KAMBLE
WITH
CIVIL APPLICATION NO.8240 OF 2020 IN FIRST
APPEAL (ST) NO.8140 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS
VERSUS

PANDURANG GOVIND POTHALE (DIED) THROUGH LRs.
LAXMAN AND ANOTHER

WITH
CIVIL APPLICATION NO.8244 OF 2020 IN FIRST
APPEAL (ST) NO.8143 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS
VERSUS

VITHAL LINGA KOLPUSE (DIED) THROUGH Lrs.
BALAJI AND OTHERS

WITH
CIVIL APPLICATION NO.8250 OF 2020 IN FIRST
APPEAL (ST) NO.8098 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS
VERSUS

SITARAM NAMDEOPOTPHALE

WITH
CIVIL APPLICATION NO.8238 OF 2020 IN FIRST
APPEAL (ST) NO.8133 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS
VERSUS

KESHAV GYANA ACHARYA

AND
905 CIVIL APPLICATION NO.8264 OF 2020
IN FIRST APPEAL (ST) NO.7750 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS
VERSUS
MANIK RAJARAM KAMBLE
WITH
CIVIL APPLICATION NO.8266 OF 2020 IN FIRST
APPEAL (ST) NO.7774 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS
VERSUS
VITHAL RAJARAM KAMBLE
WITH
CIVIL APPLICATION NO.8261 OF 2020 IN FIRST
APPEAL (ST) NO.7756 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS
VERSUS
NAGORAO GYANA WAGHMARE
WITH
CIVIL APPLICATION NO.8270 OF 2020 IN FIRST
APPEAL (ST) NO.7760 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS
VERSUS
MAROTI RAJARAM KAMBLE
WITH
CIVIL APPLICATION NO.8274 OF 2020 IN FIRST
APPEAL (ST) NO.7767 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS
VERSUS
RAM SHRAWAN WAGHMARE
WITH
CIVIL APPLICATION NO.8272 OF 2020 IN FIRST
APPEAL (ST) NO.7770 OF 2020
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
DIVISION LATUR AND OTHERS
VERSUS
NAMDEO RAJARAM KAMBLE

WITH
 CIVIL APPLICATION NO.8259 OF 2020 IN FIRST
 APPEAL (ST) NO.7770 OF 2020
 THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
 DIVISION LATUR AND OTHERS
 VERSUS

RAM RAJARAM KAMBLE

WITH
 CIVIL APPLICATION NO.8268 OF 2020 IN FIRST
 APPEAL (ST) NO.7753 OF 2020
 THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
 DIVISION LATUR AND OTHERS
 VERSUS

RAJARAM RAMCHANDRA KAMBLE

Mr.S.M. Ganachari, Advocate for the
 applicants-acquiring body in all
 applications.

Mr.G.K. Sontakke, Advocate for respondents-
 claimants.

CORAM : V.L.ACHLIYA,J.

DATE : 11.12.2020

ORAL ORDER :

The applicants have moved these
 applications seeking stay to the execution of
 award for the reasons set out in detail in
 the applications.

2. Heard learned counsel for the
 appellant-acquiring body and learned counsel
 representing the respondents-claimants.
 Perused the judgment and award passed by the
 Reference Court.

3. In brief, it is the case of the appellant – acquiring body that the compensation awarded by the Reference Court is excessive and unsustainable in law. It is submitted that SLAO has determined the price of land acquired @ Rs.34,040/- to Rs.36,000/- per acre, which has been enhanced to Rs.2,01,000/- per acre by the Reference Court. It is submitted that the sale instance of small piece of land has been relied for the purposes of enhancing the compensation. It is submitted that the land acquired is dry crop land. The sale instance in respect of irrigated land has been relied upon for the purpose of enhancement of compensation. It is further submitted that the interest has been awarded from the date of notification, which is as per law laid down by this Court in Full Bench decision in the case of **State of Maharashtra V/s Kailash Shiva Rangari** reported in **2016(3) Mh.L.J. 457**. In this background, learned counsel for the appellant submits that the appellant has good case to succeed in appeal.

4. On the other hand, learned counsel for the respondents-claimants supported the award passed by the Reference Court and

submits that the appeal filed is devoid of merit. The compensation awarded is based upon due appreciation of evidence adduced in the case.

5. On due consideration of submissions advanced in the light of overall facts of the case and challenge raised in appeals, the following order is passed.

ORDER

(i) The applications in respective appeals are allowed in terms of prayer clause "B" subject to deposit of amount to the extent of 80% of amount in terms of award passed by the Reference court within 12 weeks from the date of this order. Failure to deposit the amount within 12 weeks from today, the stay granted stands vacated without further reference to the Court unless time is extended before due date for deposit of amount.

(ii) The applications are disposed of in above terms.

**[V.L.ACHLIYA]
JUDGE**