

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.1664 OF 2004
WITH CA/11717/2004 IN FA/1664/2004

STATE OF MAHARASHTRA AND ANOTHER
VERSUS
PANDURANG RUPCHAND MAHAJAN

...

AND
FIRST APPEAL NO. 1665 OF 2004
WITH CA/11701/2004 IN FA/1665/2004

STATE OF MAHARASHTRA AND ANOTHER
VERSUS
INDUBAI SUKHDEO PATIL

...

AND
FIRST APPEAL NO. 1666 OF 2004
WITH CA/11702/2004 IN FA/1666/2004

STATE OF MAHARASHTRA AND ANOTHER
VERSUS
BHAVDU KALU PATIL

...

AND
FIRST APPEAL NO. 1668 OF 2004
WITH CA/11704/2004 IN FA/1668/2004

STATE OF MAHARASHTRA
VERSUS
SMT. SAKHUBAI NATHU TADVI

...

AND
FIRST APPEAL NO. 1669 OF 2004
WITH CA/11706/2004 IN FA/1669/2004

STATE OF MAHARASHTRA
VERSUS
DAYARAM UKHA MAHAJAN (DEAD)
THROUGH LR PRAMOD LILADHAR MAHAJAN

...

Mr. B. V. Virdhe, AGP for appellant – State (In all matters)
Mr. A. B. Kale, learned counsel for the respondent- claimants

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CORAM : ANIL S. KILOR, J.

DATE : 30th APRIL, 2021

ORAL ORDER :-

The appellant- State of Maharashtra has filed these appeals challenging the Judgment and Award, dated 31-03-2004 passed by learned 4th Adhoc Additional District Judge, Jalgaon, in Land Acquisition References No. 1734, 1705, 1735, 1708, 1695, 1715, 1683 of 1998, enhancing the amount of compensation.

2. The lands-in-question were acquired by the appellant for construction of Ambhora Dam Project. The notification under Section 4 of the Land Acquisition Act, 1894 (L.A.Act) was issued on 30-12-1993 and Award was passed on 23-01-1997. The Special Acquisition Officer granted Rs.300/-, Rs.310/- Rs.330/-, Rs.410/- and Rs.470/- per R, which was enhanced @ Rs.1,000/- per R for the Jirayat lands, whereas, Rs.500/- per R. for the barren land by the Reference Court vide impugned Judgment and Award, the same is under challenge in the present appeals.

3. I have heard the learned A.G.P. for the appellant and Mr. Ajeet B. Kale, learned counsel appearing for the respondents-claimants.

4. Mr. Kale, learned counsel for the respondents-claimants, at the outset, has drawn the attention of this Court to the Judgment of the Division Bench of this Court, dated 25th February, 2009 passed in **First Appeal No. 208 of 2008 [Special Land Acquisition Officer (I) Upper Tapi Project (Hatnur), Jalgaon and others Versus Ramchandra Motiram Choudhari (Died) through L.Rs Sandu Ramchandra Choudhari]**, whereby

the appeals preferred by the Special Land Acquisition Officer were dismissed.

5. It is submitted that the land involved in the said First Appeal was from the same village, in same land acquisition proceedings and for the same purpose the lands were acquired as in the present appeal. It is further submitted that the Division Bench of this Court, after considering the matter on merit, did not find any substance in the appeal and, accordingly, appeal was dismissed. The learned counsel for the respondents-claimants submits that the present appeals are apparently covered by the said Judgment as the land acquired in this matter is from same proceeding. The said fact is not disputed by the learned AGP.

6. In that view of the matter, since in the connected matters arising out of the same Land Acquisition proceedings, the Division Bench of this Court has already taken a view vide Judgment dated 25th February, 2009 and since it was not challenged in the Apex Court, I do not want to deviate from the said view and take a different view, accordingly, I adopt the same view.

7. The first appeals are dismissed. No order as to costs.

8. In view of the disposal of first appeals, nothing further survives for consideration in pending civil applications, the same stand disposed of, accordingly.

(ANIL S. KILOR)
JUDGE

mtk