

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

919 FIRST APPEAL NO.120 OF 2022

WITH CA/1181/2022 IN FA/120/2022

RAMBHAU ANKUSH BORKAR

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH THE COLLECTOR, JALNA AND OTHERS

...

Advocate for Appellant/Applicant : Mr. S. S. Tope.

APP for Respondent/State: Mr. P. M. Kulkarni.

...

AND

920 FIRST APPEAL NO.121 OF 2022

BAJRANG DHONDIBA GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH THE COLLECTOR, JALNA AND OTHERS

...

Advocate for Appellant : Mr. S. S. Tope.

APP for Respondent/State: Mr. A. B. Chate.

...

AND

921 FIRST APPEAL NO.122 OF 2022

WITH CA/1184/2022 IN FA/122/2022

MADHUKAR MAROTRAO DHADGE

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH THE COLLECTOR, JALNA AND OTHERS

...

Advocate for Appellant/Applicant : Mr. S. S. Tope.

APP for Respondent/State: Mr. A. B. Chate.

...

AND

922 FIRST APPEAL NO.123 OF 2022

WITH CA/1187/2022 IN FA/123/2022

DAGDU UTTAM KARHALE (DIED) THROUGH LRS
JANABAI DAGDU KARHALE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA,

THROUGH THE COLLECTOR, JALNA AND OTHERS

...

Advocate for Appellants/Applicants : Mr. S. S. Tope.

APP for Respondent/State: Mr. P. M. Kulkarni.

...

AND

923 FIRST APPEAL NO.125 OF 2022

WITH CA/1207/2022 IN FA/125/2022

TUKARAM SANTARAM RAVDE (DIED) THROUGH LRS
RAMBHAU TUKARAM RAVDE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH THE COLLECTOR, JALNA AND OTHERS

...

Advocate for Appellants/Applicants : Mr. S. S. Tope.

APP for Respondent/State: Mr. P. M. Kulkarni.

...

AND

924 FIRST APPEAL NO.126 OF 2022

WITH CA/1208/2022 IN FA/126/2022

KAKUJI RAJARAM SHINDE (DIED) THROUGH LRS.
KESHARBAI KAKUJI SHINDE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH THE COLLECTOR, JALNA AND OTHERS

...

Advocate for Appellants/Applicants : Mr. S. S. Tope.

APP for Respondent/State: Mr. A. B. Chate.

...

AND

925 FIRST APPEAL NO.127 OF 2022

WITH CA/1209/2022 IN FA/127/2022

MUKTARAM ANNA SHELKE (DIED) THROUGH LRS
PRAYAGBAI MUKTARAM SHELKE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH THE COLLECTOR, JALNA AND OTHERS

...

Advocate for Appellants/Applicants : Mr. S. S. TopeMr. S. S. Tope.

APP for Respondent/State: Mr. P. M. Kulkarni.

...

AND
926 FIRST APPEAL NO.128 OF 2022
WITH CA/1210/2022 IN FA/128/2022

RAJENDRA JAYRAM POTEKAR
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH THE COLLECTOR, JALNA AND OTHERS

...
Advocate for Appellant/Applicant : Mr. S. S. Tope.
APP for Respondent/State: Mr. A. B. Chate.
...

CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 04th February, 2022.

P.C.:

. Heard Mr. Tope, learned counsel for appellants in the respective appeals. He points out that though the respective appellants have moved civil applications for condonation of delay, there is no delay as such in view of the office remark. There is no propriety to decide the applications for condonation of delay. He submits that those applications need to be disposed of.

2 Having regard to the submission of the learned counsel for appellants/applicants, the civil applications arising out of respective first appeal, shall stand disposed of since the appeals are filed within limitation as per the office note.

3 Mr. Tope, learned counsel for appellants invited my attention to the impugned judgment and award passed by the Reference Court

under Section 18 of the Land Acquisition Act, 1894. He points out that the Reference Court has awarded inadequate compensation. The Reference Court has not considered the decision of the Apex Court in the case of *Chindha Fakira Patil Vs. The Special Land Acquisition Officer*, reported in, *(2011) 10 SCC 787*, in a proper perspective. The Reference Court has also not considered the report of the valuer in respect of fruit trees and also not properly considered the evidence of expert. The Reference Court has even not awarded any compensation in respect of Dav Land.

4 Having regard to the submissions of the learned counsel for appellants, issue notice to respondents.

5 Mr. P. M. Kulkarni and Mr. A. B. Chate, learned AGPs waive notice for respondent Nos.1 to 3 in the respective matters and seeks time to take instructions.

6 Call record and proceeding from the concerned Reference Court.

7 Stand over to 1st April, 2022.

[SHRIKANT D. KULKARNI, J.]