

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

903 FIRST APPEAL NO. 349 OF 2022
WITH CA/9541/2017
WITH CA/1940/2022 IN FA/349/2022

THE STATE OF MAHARASHTRA THR COLLECTOR, LATUR AND ORS
VERSUS
JEEVAN RANGNATH BHONG

Mr B.A. Shinde, Advocate for appellants
Mr A.B. Kale, Advocate for respondent/sole

- AND -

904 FIRST APPEAL NO. 348 OF 2022
WITH CA/9545/2017
WITH CA/1941/2022 IN FA/348/2022

THE STATE OF MAHARASHTRA THR COLLECTOR, LATUR AND ORS
VERSUS
MAHADEO LIMBRAJ DHORMARE

Mr B.A. Shinde, Advocate for appellants
Mr A.B. Kale, Advocate for respondent/sole

- AND -

905 FIRST APPEAL NO. 347 OF 2022
WITH CA/9543/2017
WITH CA/1942/2022 IN FA/347/2022

THE STATE OF MAHARASHTRA THR COLLECTOR, LATUR AND ORS
VERSUS
SUBHASH DASU BHONG

Mr B.A. Shinde, Advocate for appellants
Mr A.B. Kale, Advocate for respondents
Mr A.B. Chate, A.G.P. for respondents No.1 and 2 in C.A.No.1940 of 2022
Mr S.P. Deshmukh, A.G.P. for respondents No.1 and 2 in C.A.No.1941 of 2022
Mr P.M. Kulkarni, A.G.P. for respondents No.1 and 2 in C.A.No. 1942 of 2022

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 4th May, 2022

PER COURT :

1. Mr B.A. Shinde, learned Advocate for appellants/acquiring body and
Mr A.B. Kale, learned Advocate for respondents/claimants and learned A.G.P.s
for respondents No.1 and 2 in respective matters are present.

2. It is pointed out that this group of three appeals is covered by the common judgment and order passed by this Court (Coram : P.R. Bora, J.) dated 24.1.2019 in First Appeal No.1605 of 2014 with connected appeals.
3. With consent of learned Advocates for both the sides, this group of three appeals is taken up for final hearing at admission stage.
4. These appeals are directed against the common judgment and order passed by the reference Court in L.A.R.Nos.35/2003, 34/2003 and 36/2003.
5. The lands of the respective claimants as shown in the chart of the impugned judgment came to be acquired for Ghugi Minor Irrigation Tank. The notification under Section 4 of the Land Acquisition Act, 1894 came to be published on 31.12.1994. The S.L.A.O. was pleased to pass award on 14.7.1998 by awarding compensation in respect of acquired land at Rs.290/- per R. Being dissatisfied by the amount of compensation awarded by the S.L.A.O., the respective claimants filed references under Section 18 of the Land Acquisition Act. The reference Court, after considering the rival pleadings, evidence on record and considering the argument advanced by both the sides, and in view of order/judgment delivered in L.A.R. Group No.327/2000 was pleased to allow the references partly thereby determining the market price of the acquired land at Rs.1,000/- per R.
6. Mr A.B. Kale, learned Advocate for respondents/original claimants and Mr B.A. Shinde, learned Advocate for appellants/acquiring body in one tone submitted that this group of appeals is covered by the group of appeals decided by this Court vide judgment and order dated 24.1.2019 (supra). Both of them

have submitted that this group of three appeals can be disposed of on same lines.

7. Mr B.A. Shinde, learned Advocate for appellants/acquiring body seeks leave to place on record copy of judgment and order dated 24.1.2019 passed in group of appeals vide First Appeal No.1605 of 2014 with connected matters. Leave granted. The copy of order dated 24.1.2019 is taken on record and marked as "A" for identification.

8. On going through the copy of common judgment and order passed in First Appeal No.1605 of 2014 dated 24.1.2019, it is noticed that this Court has disposed of the appeals by confirming the market value determined by the reference Court in respect of dry land at Rs.1,000/- per R and Rs.1,300/- per R for irrigated land. It is submitted by Mr A.B. Kale, learned Advocate for respondents/original claimants that the lands involved in these three appeals are dry lands and in view of price determined by this Court in abovesaid group of appeals at Rs.1,000/- per R, appeals need to be disposed of.

9. Having regard to the above reasons and discussion and in view of submissions of both the sides, I do not see any reason to take different view. These appeals are arising out of same project and notification. As such, same treatment needs to be given to these appeals. With this, I conclude and proceed to pass the following order.

ORDER

(i) The appeals stand dismissed. However, without any order as to costs.

(ii) The common award passed by the reference Court in L.A.R.Nos.35 of 2003, 34 of 2003 and 36 of 2003 is hereby confirmed.

(iii) The original claimants are entitled to withdraw the amount of compensation deposited by the appellants/acquiring body in this Court together with accrued interest thereon, if it is already not withdrawn.

(iv) In view of disposal of First Appeals, pending Civil Applications also stand disposed of.

(SHRIKANT D. KULKARNI, J.)

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