



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

37 FIRST APPEAL NO.2040 OF 2013
WITH
CIVIL APPLICATION NO. 7161 OF 2010

1. The State of Maharashtra,
Through – The Collector, Latur
2. The Executive Engineer,
B & C., Latur

.. Appellants
(Ori. Respondents)

Versus

- . Gopinath Pandharinath Dongre (died)
His L.Rs.
1. Tanaji Gopinath Dongare,
Age: 34 years, Occu.: Service,
 2. Vijay Gopinath Dongare,
Age: 29 years, Occu.: Agril.,
 3. Ajit Gopinath Dongare,
Age: 27 years, Occu.: Agril.,
 4. Ranjit Gopinath Dongare,
Age: 22 years, Occu.: Agril.,

All R/o. Sanja, Tq. & Dist. Latur

.. Respondents
(Ori. Claimants)

...

AGP for Applicants :

Ms. Kavita R. Jamdhade

Advocate for Respondents :

Mr. Vijay B. Patil h/f .Mr. R. P. Adgaonkar

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 18th MARCH, 2024

ORAL JUDGMENT:

1. Heard.

2. In the instant case, the Government has acquired 62 Are land out of block no.399 of village Harangul (Bk.), Taluka & District- Latur for the purpose of construction of air strip which is on the boundary of Latur city. The notification under section 4 of the Land Acquisition Act, 1894 is issued on 09.01.1992 and the Land Acquisition Officer passed the award and served notice under section 12(2) of the Act upon the claimants, on 24.10.1994 and granted compensation of Rs.31,434/-. The same was accepted under protest and the reference petition was made. Before the reference court evidence was lead by the appellants and at para no.8 of the impugned judgment, the evidence is discussed, as under:-

“8. The 7 – 12 of acquired land is at exh. 23, copy of award is at exh. 124. copy of E statement is at exh. 35, certified copy of award passed in file No.1988/LNQ/CR/4 and E statement in that award are at exh. exh.28 and 29 Exh. 30 to Exh. 33 are certified copies of judgments passed in L.A.R. (G) No. 710/91, 94/9. 1942/1990 and 496/1991 Deposition of claimant Tanaji which is nothing but reproduction of contents of the petition and documents filed on record. Exh. 37 is deposition of Pw2 Swaroop Tambalkar. Pw 3 Mainoddin deposed at exh. 43 as well as sale instances are at exh. 38,39,44 and 46, certified copies of deposition in L.A.R.No.9491 are at exh. 40 to 42.”

3. The claimants filed 7/12 extract of the land at Exhibit 23, copy of the award at Exhibit 124, copy of e-statement is at Exhibit 35, certified copy of award passed in file no.1988/LNQ/CR/4 and e-statement in that award are at Exhibit 28 and 29, Exhibit 30 to 33 are certified copies of judgments passed in L.A.R. (G) No. 710/91, 94/9, 1942/1990 and 496/1991, deposition of claimant Tanaji. Exhibit 37 is deposition of PW 2 Swaroop Tambalkar. PW 3 Mainoddin deposed at Exhibit 43. Exhibit 38, 39, 44 and 46 are sale instances and also certified copies of depostion in L.A.R. No.9491are produced at Exhibit 40 to 42.

4. The reference court referred to earlier references decided and held that in the earlier references for the same acquisition and for the same purpose, acquired in the year 1990, the lands are granted rate at Rs.2.5/- to Rs.5/- per square feet.

5. Replying upon the award passed in the other references in the instant case, the reference court has granted compensation at the rate of Rs.2 per Sq.Ft. And a total compensation is enhanced to rs.93,434/- along with interest and other statutory benefits.

6. Since, the reference court has relied upon the earlier references for the acquisition for the same purpose, the appeal filed does not mention, whether there is any challenge to the award made in the

references for the same project. In absence of any challenge to the award made in the other references for the same project, the award passed in the present reference, which is less than other references for the same project cannot be said to be erroneous.

7. In view of the same, I see no reason to entertain the first appeal and the first appeal stands dismissed.

8. In view of dismissal of the first appeal, all the pending civil applications stand disposed of.

[ARUN R. PEDNEKER, J.]

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