



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

67 FIRST APPEAL NO. 1478 OF 2024
THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
KISAN GANPAT NIMSE AND OTHERS

WITH
FIRST APPEAL NO. 1479 OF 2024
THE STATE OF MAHARASHTRA AND ORS
VERSUS
DNYANDEO BHIMAJI NIMSE AND ORS

Mr.G.O. Wattamwar, AGP for the appellant/State.

Mr.Shoyab Shaikh, Advocate for respondent No.3 in FA No.1478 of 2024.

CORAM : KISHORE C. SANT, J.
DATED : 01.07.2024

PC :-

01. Heard learned Advocates for the parties for quite some time.

02. These appeals are arising out of common judgment and order passed by the learned 4th Joint Civil Judge, Senior Division, Ahmednagar dated 08.04.2015 in LAR Nos.34/2010, 59/2010, 109/2011 and 110/2011. The learned Reference Court had granted rate of Rs.3280/- per R to dry land and Rs.4920/- per R to the seasonally irrigated land. To irrigated land the

rate granted is Rs.6560/- along with other statutory benefits. The learned AGP vehemently argued the appeals on various grounds.

03. The learned AGP submitted that the learned SLAO had awarded just and reasonable compensation by considering the rate prevailing in the market for the similar land, however, the learned Reference Court has enhanced the amount without sufficient evidence. The amount awarded by the learned Reference Court is exorbitant. The evidence was not properly appreciated. The Judgments cited before the Reference Court are not properly considered.

04. The learned Advocate for respondent No.3 relies on the judgment passed by this Court dated 18.09.2017 in First Appeal No.3715 of 2017 with connected appeals, arising out of same acquisition proceedings, same village, same project and challenging the same judgment and award. By way of said judgment, this Court confirmed the rates awarded by the Reference Court and has disposed off the appeals.

05. Considering that this Court has already considered these

submissions and the appeals are dismissed, this Court finds that this Court need not take different view than what is taken in the judgment and order passed in First Appeal No.3715 of 2017 with connected appeals dated 18.09.2017. Considering that, this Court finds that there is no merit in the appeals and the same are hereby dismissed with no order as to costs.

[KISHORE C. SANT, J.]