



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

**CIVIL APPLICATION NO. 4037 OF 2013
IN FAST/1587/2013**

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Datta Nivrutti Kendre .. Respondent

WITH

**CIVIL APPLICATION NO. 4038 OF 2013
IN FAST/1587/2013**

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Datta Nivrutti Kendre .. Respondent

WITH

FIRST APPEAL (STAMP) NO. 1587 OF 2013

The State Of Maharashtra
Through Collector And Another .. Appellants

Versus

Datta Nivrutti Kendre .. Respondent

AND

**CIVIL APPLICATION NO. 4023 OF 2013
IN FAST/1569/2013**

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Babu Dagadoba Kendre And Another .. Respondents

WITH

**CIVIL APPLICATION NO. 4024 OF 2013
IN FAST/1569/2013**

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Babu Dagadoba Kendre And Another .. Respondents

WITH

FIRST APPEAL (STAMP) NO. 1569 OF 2013

The State Of Maharashtra
Through Collector And Another .. Appellants

Versus

Babu Dagadoba Kendre And Another .. Respondents

AND

**CIVIL APPLICATION NO. 4029 OF 2013
IN FAST/1575/2013**

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Ramchandra Sadaba Kendre .. Respondent

WITH

**CIVIL APPLICATION NO. 4030 OF 2013
IN FAST/1575/2013**

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Ramchandra Sadaba Kendre .. Respondent

WITH

FIRST APPEAL (STAMP) NO. 1575 OF 2013

The State Of Maharashtra

Through Collector And Another

.. Appellants

Versus

Ramchandra Sadaba Kendre

.. Respondent

AND

CIVIL APPLICATION NO. 4025 OF 2013

IN FAST/1581/2013

The State Of Maharashtra

Through Collector And Another

.. Applicants

Versus

Laxman Sopan Kendre

.. Respondent

WITH

CIVIL APPLICATION NO. 4026 OF 2013

IN FAST/1581/2013

The State Of Maharashtra

Through Collector And Another

.. Applicants

Versus

Laxman Sopan Kendre

.. Respondent

WITH

FIRST APPEAL (STAMP) NO. 1581 OF 2013

The State Of Maharashtra

Through Collector And Another

.. Appellants

Versus

Laxman Sopan Kendre

.. Respondent

AND
CIVIL APPLICATION NO. 4068 OF 2013
IN FAST/1593/2013

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Balu Sopan Kendre .. Respondent

WITH
CIVIL APPLICATION NO. 4070 OF 2013
IN FAST/1593/2013

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Balu Sopan Kendre .. Respondent

WITH
FIRST APPEAL (STAMP) NO. 1593 OF 2013

The State Of Maharashtra
Through Collector And Another .. Appellants

Versus

Balu Sopan Kendre .. Respondent

AND
CIVIL APPLICATION NO. 4039 OF 2013
IN FAST/1590/2013

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Dnyanoba Bhagwanta Tonpe .. Respondent

WITH
CIVIL APPLICATION NO. 4067 OF 2013
IN FAST/1590/2013

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Dnyanoba Bhagwanta Tonpe .. Respondent

WITH
FIRST APPEAL (STAMP) NO. 1590 OF 2013

The State Of Maharashtra
Through Collector And Another .. Appellants

Versus

Dnyanoba Bhagwanta Tonpe .. Respondent

AND
CIVIL APPLICATION NO. 4031 OF 2013
IN FAST/1572/2013

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Tukaram Bhagwanta Tonpe .. Respondent

WITH
CIVIL APPLICATION NO. 4033 OF 2013
IN FAST/1572/2013

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Tukaram Bhagwanta Tonpe .. Respondent

WITH
FIRST APPEAL (STAMP) NO. 1572 OF 2013

The State Of Maharashtra
Through Collector And Another .. Appellants

Versus

Tukaram Bhagwanta Tonpe .. Respondent

AND
CIVIL APPLICATION NO. 4035 OF 2013
IN FAST/1584/2013

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Kamalakar Bhagwanrao Kulkarni .. Respondent

WITH
CIVIL APPLICATION NO. 4036 OF 2013
IN FAST/1584/2013

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Kamalakar Bhagwanrao Kulkarni .. Respondent

WITH
FIRST APPEAL (STAMP) NO. 1584 OF 2013

The State Of Maharashtra
Through Collector And Another .. Appellants

Versus

Kamalakar Bhagwanrao Kulkarni .. Respondent

AND
CIVIL APPLICATION NO. 4027 OF 2013
IN FAST/1578/2013

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Sopan Vithoba Kendre .. Respondent

WITH
CIVIL APPLICATION NO. 4028 OF 2013
IN FAST/1578/2013

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Sopan Vithoba Kendre .. Respondent

WITH
FIRST APPEAL (STAMP) NO. 1578 OF 2013

The State Of Maharashtra
Through Collector And Another .. Appellants

Versus

Sopan Vithoba Kendre .. Respondent

AND
CIVIL APPLICATION NO. 4072 OF 2013
IN FAST/1517/2013

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Namdeo Bhagvanta Tompe .. Respondent

**WITH
CIVIL APPLICATION NO. 4074 OF 2013
IN FAST/1517/2013**

The State Of Maharashtra
Through Collector And Another .. Applicants

Versus

Namdeo Bhagvanta Tompe .. Respondent

**WITH
FIRST APPEAL (STAMP) NO. 1517 OF 2013**

The State Of Maharashtra
Through Collector And Another .. Appellants

Versus

Namdeo Bhagvanta Tompe .. Respondent

Smt. A. S. Deshmukh, AGP for the Appellants/Applicants in all matters.

CORAM : KISHORE C. SANT, J.

DATE : 10th SEPTEMBER, 2025.

PER COURT :-

CIVIL APPLICATIONS FOR CONDONATION OF DELAY :

1. In all these civil applications the respondents are served. In spite of service, none appears for respondents.
2. Heard learned A.G.P for the applicants.
3. For the reasons stated in the applications, delay stands condoned. The applications are allowed. Office to register first appeals.

FIRST APPEALS :

1. Since all the appeals are arising out of common judgment and order, the same are taken up together and are being disposed of by common order.

2. These appeals are filed challenging judgment and award dated 09.09.2011 passed by the learned C.J.S.D., Udgir, District Latur in respective L.A.Rs. as per the chart below :

Sr. No	FA with CA No.	LAR No.	Land Acquired	SLAO Rate Per R	Reference Court Rate per R
1	FAST 1587/2013 with CA 4037/2013	2202/2010	25 R	Rs. 889/-	Rs. 3000/- for Dry Land R. 4500/- for seasonably irrigated land
2	FAST 1517/2013 with CA 4072/2013	2197/2010	1 H 60 R	Rs. 889/-	Rs. 3000/- for Dry Land R. 4500/- for seasonably irrigated land
3	FAST 1569/2013 with CA 4023/2013	2198/2010	60 R	Rs. 889/-	Rs. 3000/- for Dry Land R. 4500/- for seasonably irrigated land
4	FAST 1572/2013 with CA 4031/2013	2203/2010	41 R	Rs. 889/-	Rs. 3000/- for Dry Land R. 4500/- for seasonably irrigated land
5	FAST 1575/2013 with CA 4029/2013	2199/2010	68 R 32 R	Rs. 889/-	Rs. 3000/- for Dry Land R. 4500/- for seasonably irrigated land

6	FAST 1578/2013 with CA 4027/2013	2204/2010	36 R	Rs. 889/-	Rs. 3000/- for Dry Land R. 4500/- for seasonably irrigated land
7	FAST 1581/2013 with CA 4025/2013	2200/2010	90 R	Rs. 889/-	Rs. 3000/- for Dry Land R. 4500/- for seasonably irrigated land
8	FAST 1584/2013 with CA 4035/2013	2201/2010	30 R	Rs. 889/-	Rs. 3000/- for Dry Land R. 4500/- for seasonably irrigated land
9	FAST 1590/2013 with CA 4039/2013	2205/2010	1 H 50 R 1 H 2 R	Rs. 889/-	Rs. 3000/- for Dry Land R. 4500/- for seasonably irrigated land
10	FAST 1593/2013 with CA 4068/2013	2206/2010	35 R	Rs. 889/-	Rs. 3000/- for Dry Land R. 4500/- for seasonably irrigated land

3. The learned A.G.P vehemently argued that, in the present cases, the learned S.L.A.O. had rightly awarded the compensation at the rate of Rs. 889/- per R for dry land. The learned Trial Judge, however, has enhanced the compensation by giving rate of Rs. 3,000/- per R. for dry land and Rs. 4500/- for seasonally irrigated land. She submits that, the learned S.L.A.O. has considered the sale instances, location of the land and quality of the land. There was no sufficient evidence to enhance the amount

of compensation. She therefore submits that, the appeals deserve to be allowed by quashing and setting aside the impugned judgment and award.

4. This Court has gone through the judgment. It is seen that the learned S.L.A.O. did not furnish any evidence in support of his case. The claimant in L.A.R. No. 2202/2010 is examined. The learned S.L.A.O. has taken a ground that the references are not in time, however, could not establish exact date of service of notice of award. So far as amount of compensation is concerned, the claimant produced on record a sale deed dated 29.11.1999 of Gat No. 565 from the same village at Exh. 13. Another sale deed was of CTS No. 1072 dated 18.01.2002 from village Jalkot. Third sale deed produced at Exh. 14 is dated 18.01.2005 from Gat no. 1075 from village Jalkot. The parties also produced on record and relied upon the said judgment. The learned Judge considered that, all these sale instances are prior to notification under section 4 of the Land Acquisition Act issued on 24.11.2005. It is further considered that the lands are in village Malhipparga having population of 3000. It is having all the facilities. There are sugar factories near said village. The sale deed which has relied upon

shows that in 1999 the rate granted was Rs. 2,84,444/- . The land was admeasuring of 9 R. The learned Court thus considered the rate as per R. It is further considered that, considering the sale deed of 1999 the learned Judge added 10% value to the land each year and thus, came to conclusion that the value would come to Rs. 4,55,000/- per Acre. The sale deed dated 18.01.2002 shows that a consideration for 25 R land was Rs. 2,25,000/- showing that the rate per Acre was Rs. 3,60,000/-.

5. Considering the above, this Court finds that, the learned Trial Judge has rightly considered all the aspects involved in the matter and has granted rate of Rs. 3,000/- per R for dry land and Rs. 4500/- per R for seasonally irrigated land. The learned A.G.P. submits that, only in two L.A.Rs. the land is considered to be seasonally irrigated land. She could not point out the said lands were not seasonally irrigated land, but were dry lands.

6. This Court thus finds that, there is no illegality or perversity pointed out in the impugned judgment and award. Therefore, this Court is not inclined to allow the appeals. The first appeals stand dismissed. No order as to costs.

7. Pending civil applications, if any, also stand disposed of.
8. If the amount is already deposited, the claimants shall be entitled to receive the same.

(KISHORE C. SANT, J.)

P.S.B.