



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

**CIVIL APPLICATION NO. 5391 OF 2012
IN FAST/10501/2012**

The State Of Maharashtra And Another .. Applicants

Versus

Gangadhar Vishwanath Hamne And Another .. Respondents

WITH

**CIVIL APPLICATION NO. 5392 OF 2012
IN FAST/10501/2012**

WITH

FIRST APPEAL (STAMP) NO. 10501 OF 2012

....

AND

**CIVIL APPLICATION NO. 5381 OF 2012
IN FAST/10440/2012**

The State Of Maharashtra And Another .. Applicants

Versus

Nivrutti Kishan Kamble .. Respondent

WITH

**CIVIL APPLICATION NO. 5382 OF 2012
IN FAST/10440/2012**

WITH

FIRST APPEAL (STAMP) NO. 10440 OF 2012

....

AND

**CIVIL APPLICATION NO. 5407 OF 2012
IN FAST/10476/2012**

The State Of Maharashtra And Another .. Applicants

Versus

Giyanoba Kishan Kamble .. Respondent

WITH

**CIVIL APPLICATION NO. 5408 OF 2012
IN FAST/10476/2012**

WITH

FIRST APPEAL (STAMP) NO. 10476 OF 2012

....

AND

**CIVIL APPLICATION NO. 5395 OF 2012
IN FAST/10480/2012**

The State Of Maharashtra And Another .. Applicants

Versus

Vishwanath Baba Hamne (Died)

Through L.Rs. Mallikarjun Vishwanath Hanme .. Respondent

WITH

**CIVIL APPLICATION NO. 5396 OF 2012
IN FAST/10480/2012**

WITH

FIRST APPEAL (STAMP) NO. 10480 OF 2012

....

AND

**CIVIL APPLICATION NO. 5398 OF 2012
IN FAST/10484/2012**

The State Of Maharashtra And Another .. Applicants

Versus

Trimbak Vishwanath Hamne

.. Respondent

WITH**CIVIL APPLICATION NO. 5397 OF 2012
IN FAST/10484/2012****WITH****FIRST APPEAL (STAMP) NO. 10484 OF 2012**

....

AND**CIVIL APPLICATION NO. 5399 OF 2012
IN FAST/10487/2012**

The State Of Maharashtra And Another

.. Applicants

Versus

Ankush Narayan Kamble

.. Respondent

WITH**CIVIL APPLICATION NO. 5400 OF 2012
IN FAST/10487/2012****WITH****FIRST APPEAL (STAMP) NO. 10487 OF 2012**

....

AND**CIVIL APPLICATION NO. 5401 OF 2012
IN FAST/10491/2012**

The State Of Maharashtra And Another

.. Applicants

Versus

Sambha Vithal Durge

.. Respondent

WITH
CIVIL APPLICATION NO. 5402 OF 2012
IN FAST/10491/2012

WITH
FIRST APPEAL (STAMP) NO. 10491 OF 2012

....

AND
CIVIL APPLICATION NO. 5403 OF 2012
IN FAST/10495/2012

The State Of Maharashtra And Another .. Applicants

Versus

Laxman Ramappa Hamne .. Respondent

WITH
CIVIL APPLICATION NO. 5404 OF 2012
IN FAST/10495/2012

WITH
FIRST APPEAL (STAMP) NO. 10495 OF 2012

....

AND
CIVIL APPLICATION NO. 5405 OF 2012
IN FAST/10498/2012

The State Of Maharashtra And Another .. Applicants

Versus

Shrawan Kishan Kamble .. Respondent

WITH
CIVIL APPLICATION NO. 5406 OF 2012
IN FAST/10498/2012

WITH
FIRST APPEAL (STAMP) NO. 10498 OF 2012

....

AND

**CIVIL APPLICATION NO. 5393 OF 2012
IN FAST/10504/2012**

The State Of Maharashtra And Another .. Applicants

Versus

Shripati Sadba Surnar and another .. Respondents

WITH

**CIVIL APPLICATION NO. 5394 OF 2012
IN FAST/10504/2012**

WITH

FIRST APPEAL (STAMP) NO. 10504 OF 2012

....

AND

**CIVIL APPLICATION NO. 5409 OF 2012
IN FAST/10507/2012**

The State Of Maharashtra And Another .. Applicants

Versus

Osman Peersaheb Sayyed .. Respondent

WITH

**CIVIL APPLICATION NO. 5410 OF 2012
IN FAST/10507/2012**

WITH

FIRST APPEAL (STAMP) NO. 10507 OF 2012

....

AND

**CIVIL APPLICATION NO. 5385 OF 2012
IN FAST/10510/2012**

The State Of Maharashtra And Another .. Applicants

Versus

Bhanudas Dnyanoba Hawmare and others .. Respondents

WITH

**CIVIL APPLICATION NO. 5386 OF 2012
IN FAST/10510/2012**

WITH

FIRST APPEAL (STAMP) NO. 10510 OF 2012

....

AND

**CIVIL APPLICATION NO. 5389 OF 2012
IN FAST/10519/2012**

The State Of Maharashtra And Another .. Applicants

Versus

Dnyanoba Nagorao Barkume .. Respondent

WITH

**CIVIL APPLICATION NO. 5390 OF 2012
IN FAST/10519/2012**

WITH

FIRST APPEAL (STAMP) NO. 10519 OF 2012

....

AND

**CIVIL APPLICATION NO. 5383 OF 2012
IN FAST/10523/2012**

The State Of Maharashtra And Another .. Applicants

Versus

Datta Shrawan Kamble .. Respondent

WITH
CIVIL APPLICATION NO. 5384 OF 2012
IN FAST/10523/2012
WITH
FIRST APPEAL (STAMP) NO. 10523 OF 2012

Mr. R. B. Dhaware, AGP for the Applicant No. 1.
Mr. T. B. Bhosale, Advocate for the Applicant No. 2.

CORAM : KISHORE C. SANT, J.
DATE : 08th JULY, 2025.

PER COURT :-

CIVIL APPLICATIONS (FOR CONDONATION OF DELAY) :

1. Heard.
2. For the reasons recorded in the civil applications, the civil applications stand allowed. Delay of 1359 days stands condoned. Office to register first appeals.
3. The civil applications stand disposed of.

FIRST APPEALS :

1. These appeals are filed by the State and the acquiring body against the claimants whose land acquisition references came to be allowed by way of impugned judgment and award dated 22.04.2008 passed by the learned Joint Civil Judge Senior

Division, Ahmedpur. All these appeals are arising out of the same land acquisition proceedings initiated by the Government for the acquiring body. The notification under Section 4 (1) of the Land Acquisition Act came to be issued on 09.02.1999. The award was passed on 12.11.1998. The land came to be acquired for Urdhva Manar Project. While acquiring land the compensation was awarded at the rate of Rs. 60/- per sq. mtr. by the learned S.L.A.O. The claimants, therefore, filed land acquisition references claiming higher amount. The learned Court partly accepted the case of the claimants and enhanced the amount of compensation at the rate of Rs. 180/- per sq. mtr. The properties are house properties with plot/without plot.

2. The learned A.G.P. so also learned advocate Mr. Bhosale for the acquiring body vehemently submits that, the learned Reference Court has failed to appreciate that the compensation amount was rightly determined by the learned S.L.A.O. by considering the market rate prevalent at the time of acquisition. The learned Trial Court accepted the case of the claimants without there being any satisfactory evidence. The learned A.G.P. as well as Mr. Bhosale, learned advocate thus pray that the award be

quashed and set aside.

3. This Court has gone through the judgment and award. The learned Reference Court specifically considered the market price of properties in village Sangvi. The learned Reference Court considered the evidence of one of the claimants namely Dnyanoba Nagorao Barkume. The learned Reference Court considered that, the population of village is around 3000. There are facilities of higher education available within radius of 09 Kms. The village is at distance of 09 Kms. from taluka. There is Balaghat Sugar Factory at a distance of 03 Kms. One valuer Mr. Pokalwar was examined who stated in his evidence that price of open plot was around Rs. 500/- per sq. mtr. before acquisition of the properties of the claimants. The learned Reference Court thereafter considered that the house properties are constructed 10 years prior to the acquisition and awarded the rate.

4. The learned Reference Court while considering sale instances specifically considered two sale instances at Exh. 26 and 27. It was considered that the plot of 40/50 ft. was sold for consideration of Rs. 2,80,000/-. In another instance the property

was sold of 40/40 ft. plot for consideration of Rs. 2,00,000/-. The learned Reference Court by relying upon these sale deeds enhanced the amount. This Court does not find any perversity or illegality in the judgment. The learned Reference Court has rightly considered the sale instances.

5. Considering all above, this Court finds that, no case is made out calling for interference at the hands of this Court. The first appeals, therefore, stand dismissed. No order as to costs.

CIVIL APPLICATIONS (FOR STAY) :

. In view of disposal of the first appeals, nothing survives in the civil applications for stay. The civil applications also stand disposed of.

(KISHORE C. SANT, J.)

PS.B.