



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

**CIVIL APPLICATION NO. 5387 OF 2012
IN FAST/10515/2012**

The State Of Maharashtra And Another .. Applicants

Versus

Namdeo Gangaram Wadkar And Others .. Respondents

Mr. R. B. Dhaware, AGP for the Applicants.

**WITH
CIVIL APPLICATION NO. 5388 OF 2012
IN FAST/10515/2012**

The State Of Maharashtra And Another .. Applicants

Versus

Namdeo Gangaram Wadkar And Others .. Respondents

Mr. R. B. Dhaware, AGP for the Applicants.

**WITH
FIRST APPEAL (STAMP) NO. 10515 OF 2012**

The State Of Maharashtra And Another .. Appellants

Versus

Namdeo Gangaram Wadkar And Others .. Respondents

Mr. R. B. Dhaware, AGP for the Appellants.

CORAM : KISHORE C. SANT, J.

DATE : 30th JUNE, 2025.

PER COURT :-

CIVIL APPLICATION NO. 5387 OF 2012 :

- . In spite of service, none appears for respondent Nos. 1 to 3.
2. For the reasons stated in the application, the application stands allowed. Delay of 1359 days caused in filing the first appeal is condoned. Office to register the first appeal.
3. The civil applications stands disposed of.

FIRST APPEAL (STAMP) NO. 10515 OF 2012 :

. This appeal is filed challenging the judgment and award passed by the learned Joint Civil Judge Senior Division, Ahmedpur dated 22.04.2008. The learned Judge by way of common judgment and order has decided 15 L.A.R's. The land of the respondents came to be acquired for the purpose of Urdhav Manar project. In the said project the land of the Gavthan area of village Sangvi, Taluka Ahmedpur, District Latur came to be submerged. The learned S.L.A.O. had granted rate of Rs. 60/- per sq. mtr. as the property of the respondents is house/open plot property in Gavthan. Since the claimants were aggrieved by adequacy of the rate of Rs. 60/- per sq. mtr. approached the learned Reference Court. The learned Reference Court on evidence and the material on record came to a conclusion that the claimants are entitled to receive compensation at the rate of Rs. 180/- per sq. mtr. The Government has thus approached this Court.

2. The learned A.G.P. submits that, in fact, the learned S.L.A.O. had considered the market rate and sale instances from the nearby villages and had granted the said rate. The learned Reference Court without any sufficient material has enhanced the amount. He thus submits that, the judgment and order is against the record.

3. This Court has gone through the judgment and order passed by the learned Reference Court. The learned Reference Court considered that, near the village at distance 09.00 km. there are facilities available like higher education, D.Ed college and B.Ed. College. There is electricity and water supply available in the village. There is sugar factory 03.00 km. away from the village. An engineer was examined as valuer who stated that in the year 1995 the rate of open plot was Rs. 500/- per sq. mtr. The Court thus considered that, in the present case, the notification under Section 4 of the Land Acquisition Act was issued on 12.11.1998. Notification under Section 6 of the Land Acquisition Act was published on 14.09.1999 and considering that, he arrived at conclusion that adequate compensation would be Rs. 180/- per sq. mtr. It is found that, the learned Reference Court had relied upon the evidence of PW-1 – Dnyanoba Barkume and has accepted his evidence.

4. On going through the judgment this Court finds that, no illegality or perversity is committed by the learned Reference Court. There is no merit in the appeal. The first appeal, therefore, stands dismissed. No order as to costs.

CIVIL APPLICATION NO. 5388 OF 2012 :

. In view of disposal of the first appeal, nothing survives in the civil application. The civil application stands disposed of.

(KISHORE C. SANT, J.)

PS.B.