



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

FIRST APPEAL NO. 3265 OF 2008

1. The State of Maharashtra
Through the Collector, Beed.
2. The Executive Engineer,
Beed Irrigation Division, Beed. .. Appellants

Versus

1. Santram Bhau Maske, age 60 years,
2. Sadashiv Santram Maske, age 40 years,
3. Madhukar Santram Maske, age 35 years,
4. Rajendra Santram Maske, age 30 years,
5. Baliram Santram Maske, age 25 years,
6. Draupadabai w/o Santram Maske, age 25 years,

All Agriculturists by occupation and
R/o. Jamb, Tq. Patoda, Dist. Beed. .. Respondents

Mr. R. B. Dhaware, AGP for the Appellants.
Smt. Nikita S. Kirjawalekar, Advocate h/f Mr. D. R. Jaybhar,
Advocate for Respondent Nos. 1 to 6.

**WITH
FIRST APPEAL NO. 3263 OF 2008**

1. The State of Maharashtra
Through the Collector, Beed.
2. The Executive Engineer,
Beed Irrigation Division, Beed. .. Appellants

Versus

1. Dadahari Dagdu Satpute, age 45 years,
2. Shivaji Dagdu Satpute, age 40 years,
3. Trimbak Narayan Satpute, age 60 years,
4. Dadarao Sahebrav Satpute, age 50 years,
5. Shrihari Kundlik Satpute, age 45 years,
6. Bhausahab Pandit Satpute, age 40 years,
7. Prabhakar Janu Satpute, age 35 years,
8. Ramnath Kachru Satpute, age 30 years,
9. Narayan Kachru Satpute, age 28 years,
10. Babasaheb Trimbak Satpute, age 25 years,
11. Baliram Gorakh Satpute, age 26 years,
12. Narayan Gorakh Satpute, age 24 years,
13. Narhari Kundlik Satpute, age 43 years,
14. Bhagwat Dagdu Satpute, age 35 years,
15. Vithal Dagdu Satpute, age 30 years,

Nos. 1, 3 to 7 and 10 to 13 Agriculturists
by occupation & remaining education by
occupation and all R/o. Jamb, Tq. Patoda,
Dist. Beed.

.. Respondents

Mr. R. B. Dhaware, AGP for the Appellants.
Smt. Nikita S. Kirjawalekar, Advocate h/f Mr. D. R. Jaybhar,
Advocate for Respondent Nos. 1 to 13 & 15.

**WITH
FIRST APPEAL NO. 3264 OF 2008**

1. The State of Maharashtra
Through the Collector, Beed.
2. The Executive Engineer,
Beed Irrigation Division, Beed. .. Appellants

Versus

1. Vithal Kandu Khandagale, age 45 years,
2. Sarjerav Kandu Khandagale, age 50 years,
3. Kisan Yashwanta Khandagale, age 65 years,
4. Sakhahari s/o Kisan Khandagale, age 60 years,
5. Shashikalabai w/o Janardhan Nile, age 50 years,
6. Janu Kisan Khandagale, age 45 years,
7. Shahadev Kisan Khandagale, age 43 years,
8. Dnyaneshwar Kisan Khandagale, age 40 years,
9. Mahadev Kisan Khandagale, age 38 years,
10. Abhiman Nana Khandagale, age 45 years,
11. Madhukar Nana Khandagale, age 40 years,
12. Sudhakar Nana Khandagale, age 35 years,
13. Bhaskar Nana Khandagale, age 30 years,
14. Sudhakar Dadu Gadhe, age 50 years,
15. Shobhabai Sudhakar Gadhe, age 45 years,

Nos. 1 to 6, 8 & 9 Agriculturists by occupation,
and remaining service by occupation and all
R/o. Jamb, Tq. Patoda, Dist. Beed. .. Respondents

Mr. R. B. Dhaware, AGP for the Appellants.
Smt. Nikita S. Kirjawalekar, Advocate h/f Mr. D. R. Jaybhar,
Advocate for Respondent Nos. 1, 2, 4 to 15.

**WITH
FIRST APPEAL NO. 3266 OF 2008**

1. The State of Maharashtra
Through the Collector, Beed.
2. The Executive Engineer,
Beed Irrigation Division, Beed. .. Appellants

Versus

1. Babasaheb Tatyaba Kajale, age 65 years
2. Asrabai w/o Babasaheb Kajale, age 60 years,
3. Annasaheb Babasaheb Kajale, age 40 years,
4. Bharat Babasaheb Kajale, age 35 years,
5. Bhagwan Tatyaba Kajale, age 60 years,

All Agriculturists by occupation and
R/o. Jamb, Tq. Patoda,
Dist. Beed. .. Respondents

Mr. R. B. Dhaware, AGP for the Appellants.
Smt. Nikita S. Kirjawalekar, Advocate h/f Mr. D. R. Jaybhar,
Advocate for Respondent Nos. 2 to 4.

**WITH
FIRST APPEAL NO. 3267 OF 2008**

1. The State of Maharashtra
Through the Collector, Beed.
2. The Executive Engineer,
Beed Irrigation Division, Beed. .. Appellants

Versus

1. Gayabai w/o Dagdu Karhe, age 55 years,
 2. Dagdu Pandu Karhe, age 60 years,
 3. Babu Dagdu Karhe, age 35 years,
 4. Namdev Dagdu Karhe, age 30 years,
- All Agriculturists by occupation,
and R/o. Jamb, Tq. Patoda,
Dist. Beed. .. Respondents

Mr. R. B. Dhaware, AGP for the Appellants.
Smt. Nikita S. Kirjawalekar, Advocate h/f Mr. D. R. Jaybhar,
Advocate for Respondent Nos. 2 to 4.

**WITH
FIRST APPEAL NO. 3268 OF 2008**

1. The State of Maharashtra
Through the Collector, Beed.
2. The Executive Engineer,
Beed Irrigation Division, Beed. .. Appellants

Versus

1. Kundlik Sakharam Waybhase, age 50 years,
2. Dnyandev Vishnu Khade, age 33 years,

3. Tatyaba Patilbuva Satpute, age 65 years,
4. Gahininath Tatyaba Satpute, age 45 years,
5. Jagannath Tatyaba Satpute, age 40 years,

All Agriculturists by occupation and
R/o. Jamb, Taluka Patoda, Dist. Beed

.. Respondents

Mr. R. B. Dhaware, AGP for the Appellants.
Smt. Nikita S. Kirjawalekar, Advocate h/f Mr. D. R. Jaybhar,
Advocate for Respondent Nos. 1, 2, 4 & 5.

**WITH
FIRST APPEAL NO. 3269 OF 2008**

1. The State of Maharashtra
Through the Collector, Beed.
 2. The Executive Engineer,
Beed Irrigation Division, Beed.
- .. Appellants

Versus

1. Damu Pandharinath Parjane, age 60 years,
2. Rambhau Sakhamam Parjane, age 55 years,
3. Pandurang Sakhamam Parjane, age 50 years,
4. Rajendra Kisan Parjane, age 30 years,

All Agriculturists by occupation and
R/o. Jamb, Tq. Patoda, Dist. Beed

.. Respondents

Mr. R. B. Dhaware, AGP for the Appellants.
Smt. Nikita S. Kirjawalekar, Advocate h/f Mr. D. R. Jaybhar,
Advocate for Respondent Nos. 1 to 4.

CORAM : KISHORE C. SANT, J.

DATE : 25th JULY, 2025.

ORAL JUDGMENT :-

. Heard.

2. These appeals are filed by the State challenging the judgment and award passed by the learned 2nd Ad-hoc Additional District Judge, Beed in respective LAR's dated 24.06.2005. The judgment is common based on the evidence recorded in L.A.R. No. 336/2000. The appeals are therefore taken up together and are being disposed of by this common judgment. The land of the respondents/claimants respectively came to be acquired for Uthala Large Medium Project Right Canal. Notification under Section 4 of the Land Acquisition Act was issued on 06.04.1995. The lands of the claimants were acquired as below :

Sr. No.	F.A. No.	Land Acquired
1.	3265/2008	74 R
2.	3263/2008	36 R
3.	3268/2008	26 R
4.	3264/2008	1 H 25 R
5.	3269/2008	36 R
6.	3266/2008	41 R
7.	3267/2008	41 R & 32 R

3. The award was passed on 10.01.1998. The learned S.L.A.O. had given the rate of Rs. 190/- to Rs. 210/- per R. The claimants/respondents, therefore, approached the learned Collector, Beed by filing reference under Section 18 of the Land Acquisition Act. The learned Ad-hoc Additional District Judge by recording evidence and considering the case awarded an amount of Rs. 500/- per R. The learned Reference Court considered the evidence laid in L.A.R. No. 336/2000. The claimant in the said L.A.R. namely Dadahari Dagdu Satpute stated in his evidence about the lands of all these claimants. He stated that the lands of all the claimants are fertile lands having facility of irrigation. The land is at a distance of 27 Kms. from district place i.e. Beed. It is 4 Kms. away from villages Padali and Tagadgaon. There is sugar factory at a distance of 14 Kms. He proved the sale deeds dated 07.06.1993 and 12.07.1991 wherein the lands sold were 19 R and 9 R in the adjoining village. For 9 R land the consideration paid was Rs. 9,000/-. He relied upon the judgment delivered in L.A.R. Nos. 94/1994 and 96/1994 dated 26.04.1999 passed by 7th Additional District Judge, Beed. In the said judgment the Court has granted the rate of Rs. 1,000/-. Thus, from the evidence it

appears that, the claimants have given evidence in support of their case.

4. From going through the judgment it appears that the Court has considered all this material aspect and has come to conclusion that, in the village of the claimants the rate would be Rs. 500/- that would be sufficient and adequate compensation. This Court does not find any illegality committed by the learned Reference Court in appreciation of evidence. As it is enhancement is less than four times of the rate granted by the learned S.L.A.O. In view of the Government policy in notification dated 03.11.2016 and corrigendum dated 23.02.2017, the Government has taken decision not to prefer appeal in the cases where the amount of enhancement is less than four times of the rate awarded by the learned S.L.A.O. and if appeals are preferred the same to be withdrawn.

5. Thus, considering this aspect also this Court does not find any reason to call for interference in these appeals. The first appeals are, therefore, disposed of. No order as to costs.

(KISHORE C. SANT, J.)

P.S.B.