IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

318 CIVIL APPLICATION NO. 6247 OF 2012 IN FAST/12137/2012

The State Of Maharashtra Through Collector And Others
VERSUS
Babysaroj Digamber Mungre (Died) Through L.Rs. Digamber Phulaji

WITH
CIVIL APPLICATION NO. 6241 OF 2012 IN FAST/12115/2012

The State Of Maharashtra Through Collector And Others
VERSUS
Madhav Digamber Katte And Ors

WITH
CIVIL APPLICATION NO. 6243 OF 2012 IN FAST/12118/2012

The State Of Maharashtra Through Collector And Others
VERSUS
Narsingrao Mohanrao Pawde

WITH
CIVIL APPLICATION NO. 6245 OF 2012 IN FAST/12121/2012

The State Of Maharashtra Through Collector And Others
VERSUS
Suman Jaganathrao Pharande

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Mr. A.M. Phule, AGP for Appellant-State
Mr. J.R. Patil, Advocate for Respondents-Claimants in C/A6247/2012
Mr. R.K. Ingole, Advocate for Respondents-Claimants in CA/6241/2012
Mr. B.N.Gadegaonkar, Advocate for Respondents-Claimants in CA/6243/2012 & CA/6245/2012

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 06 OCTOBER, 2026

PER COURT :

ORDER IN CIVIL APPLICATIONS :

1. The present Civil Application is filed by the State for condonation of 271 days delay caused in filing the First Appeal.

2. For the reasons stated in the application, the Civil ApplicationS deserve to be allowed. The Civil Application are allowed. The delay of 271 days caused in preferring the First Appeal stand condoned.

ORDER IN FIRST APPEALS :

3. These matters are pending since 2012. Therefore, with the consent of learned counsel for both sides, the matters are taken up for final hearing.

4. Heard learned counsel for the respective parties.

5. By these appeals, the Appellant-State takes exception to the common impugned Judgment and Award dated 28.04.2010 passed by the learned Joint Civil Judge, Senior Division, Nanded, in Land Acquisition Reference Nos.195 of 2003, 183 of 2003, 209 of 2003 and 186 of 2003.

6. The lands belonging to the respective claimants, situated at Nanded, were acquired for the purpose of construction of the administrative building of the Special Inspector General of Police, Nanded Range, Nanded. The particulars of the acquired lands are as under:

Sr. No.	LAR No.	Survey/Gat No.	Area Acquired
1.	195 of 2003	63/2	335 Sq. Mt.
2.	183 of 2003	62/A, 62/B	669 Sq. Mt 111 Sq. Mt
3.	209 of 2003	63/2	335 Sq. Mt.
4.	186 of 2003	32/2	3253 Sq. Mt.

7. The notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") was published on 03.12.2001. Thereafter, the Special Land Acquisition Officer (for short, "the SLAO") passed the Award under Section 11 of the Act on 23.09.2002. The SLAO determined the market value of the acquired lands at the rate of Rs.232/- per Sq. Mtr. The

respective claimants received the said amount under protest, reserving their right to claim enhanced compensation. Being dissatisfied with the Award, the claimants sought references under Section 18 of the Act.

8. Before the learned Reference Court, the claimants relied upon the sale instance dated 20.04.2000, wherein the market value was Rs.600/- per Sq. Mtr. In respect of the lands acquired in L.A.R. Nos.183 of 2003, 195 of 2003 and 209 of 2003, the learned Reference Court found that the acquired lands were already developed small plots and, accordingly, after applying a deduction of 10%, determined the market value at the rate of Rs.540/- per Sq. Mtr. In respect of L.A.R. No.186 of 2003, though the acquired land had non-agricultural potentiality and was divided into plots, the evidence led by the claimant did not establish that the said plots were already developed. Therefore, the learned Reference Court applied a deduction of 30% and determined the market value at the rate of Rs.420/- per Sq. Mtr.

9. This Court finds that the market value determined by the learned Reference Court at the rate of Rs.540/- per Sq. Mtr. in L.A.R. Nos.183 of 2003, 195 of 2003 and 209 of 2003, and at the rate of Rs.420/- per Sq. Mtr. in L.A.R. No.186 of 2003, is just, proper and reasonable. No case is made out for interference with the impugned Judgment and Award. The appeals, therefore, deserve to be dismissed.

10. The First Appeals are dismissed.

11. Pending Civil Applications, if any, also stand disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE