IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 FIRST APPEAL (STAMP) NO.18077 OF 2014
WITH
CIVIL APPLICATION NO. 9667 OF 2014
IN FAST/18077/2014

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
PURUSHOTTAM BHAGWAN PATHAK AND OTHERS
...
Mr. A. D. Wange, AGP for the Appellants/State.
Mr. Dattatraya R. Jayabhar, Advocate for Respondent No.3.
...

AND
FIRST APPEAL (STAMP) NO.18072 OF 2014
WITH
CIVIL APPLICATION NO. 9669 OF 2014
IN FAST/18072/2014

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
SAHEBRAO LAXIMAN JADHAV AND OTHERS
...
Mr. A. D. Wange, AGP for the Appellants/State.
Mr. Dattatraya R. Jayabhar, Advocate for Respondent No.3.

AND
CIVIL APPLICATION NO. 9670 OF 2014
IN FAST/18072/2014

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
SAHEBRAO LAXIMAN JADHAV AND OTHERS
...
Mr. A. D. Wange, AGP for the Appellants/State.

AND
FIRST APPEAL (STAMP) NO.18031 OF 2014
WITH
CIVIL APPLICATION NO. 9662 OF 2014
IN FAST/18031/2014

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
SURYABHAN GANPATI JOGDAND AND OTHERS
...
Mr. A. D. Wange, AGP for the Appellants/State.
Mr. Dattatraya R. Jayabhar, Advocate for Respondent Nos.1, 3 and 4.

AND
CIVIL APPLICATION NO. 9661 OF 2014
IN FAST/18031/2014

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
SURYABHAN GANPATI JOGDAND AND OTHERS
...
Mr. A. D. Wange, AGP for the Appellants/State.
Mr. Dattatraya R. Jayabhar, Advocate for Respondent Nos.1, 3 and 4.

AND
CIVIL APPLICATION NO. 9664 OF 2014
IN FAST/18095/2014

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
NAMDEO BABURAO JOGDAND
...
Mr. A. D. Wange, AGP for the Appellants/State.

AND
FIRST APPEAL (STAMP) NO.18082 OF 2014
WITH
CIVIL APPLICATION NO. 9665 OF 2014
IN FAST/18082/2014

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
SHRIMANT BHAGWAN JOGDAND
...
Mr. A. D. Wange, AGP for the Appellants/State.
Mr. Dattatraya R. Jayabhar, Advocate for Respondent.

AND

CIVIL APPLICATION NO. 9666 OF 2014
IN FAST/18082/2014

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
SHRIMANT BHAGWAN JOGDAND
...
Mr. A. D. Wange, AGP for the Appellants/State.

AND
CIVIL APPLICATION NO. 9663 OF 2014
IN FAST/18095/2014

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
NAMDEO BABURAO JOGDAND
...
Mr. A. D. Wange, AGP for the Appellants/State.

AND
CIVIL APPLICATION NO. 9668 OF 2014
IN FAST/18077/2014

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
PURUSHOTTAM BHAGWAN PATHAK AND OTHERS
...
Mr. A. D. Wange, AGP for the Appellants/State.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 1st OCTOBER, 2026

P.C.:-

CIVIL APPLICATIONS FOR DELAY:-

1. By these applications, the Applicants are seeking condonation of delay of 1813 days in filing first appeals.

2. Considering the averments made in the applications, delay is

condoned. Accordingly, the applications are allowed.

FIRST APPEALS:-

3. Since the acquisition proceedings pertain to the year 2005, the appeals are heard finally with the consent of the learned Advocates for the respective parties.

4. By the present appeals, the Appellants are aggrieved by the judgment and award dated 30.04.2009 passed by the learned Adhoc District Judge-1, Beed in LAR Nos. 09/2007, 10/2007, 14/2007, 15/2007 and 131/2007.

5. Brief facts of the present case are as follows:-

(i) The lands of the Claimants were acquired for construction of Dam Line and Tel Chanal Wangaon Water Storage Tank at Wangaon, Taluka and District Beed.

(ii) The Notification under Section 4(1) of the Land Acquisition Act, 1894 (the Act) came to be published on 21.04.2005 and, prior thereto, possession was taken on 10.04.2004 by applying urgency clause.

(iii) The Land Acquisition Officer (LAO) passed an award on 19.06.2006 and granted compensation at the rate of Rs.450/-, Rs.575/-, Rs.750/-, Rs.775/- and Rs.820/- per R in the respective LARs, as per the categorisation of the lands acquired.

The Claimants claimed compensation @ of Rs.5,000/- per R and the learned Reference Court awarded compensation @ of Rs.3,000/- per R. There were also fruit-bearing trees and structures, such as ground, stone bunds, etc., for which very meagre compensation was awarded. Hence respective references were filed.

6. Mr. A. D. Wange, learned AGP for the Appellants/State, submits that the Claimants have relied upon the sale instances below Exhibits-34 to 37 and also the 7/12 extracts below Exhibits-22 and 23 and Exhibit-45, which is a copy of the order passed in LAR No.380 of 2006, and claimed compensation at the rate of Rs.5,000/- per R. The learned Reference Court has erroneously relied upon above sale instances which fetched market value between the range of Rs.2,910/- per R to Rs.5,000/- per R and awarded compensation on higher side.

7. Per contra, Mr. Dattatraya R. Jayabhar, learned Advocate for the Claimants, supports the judgment and award passed by the learned Reference Court.

8. Having heard the learned Advocates for the respective parties and with their able assistance, I have gone through the record and proceedings. The learned Reference Court has relied upon sale instances at Exhibits-22 to 33 which fetched market value between Rs.2,910/- per R to Rs.5,000/- per R and granted compensation @ of

Rs.3,000/- per R for dry land which is neither exorbitant nor excessive.

9. Sofar as the trees are concerned, the learned Reference Court granted compensation for the same number of trees as mentioned by the LAO in the award and relying upon the valuer's report, the rate was enhanced. There is no dispute about the number of trees, which was recorded by the LAO in the award, and only the valuation towards the acquired trees was enhanced based upon valuer's report.

10. Therefore, considering the above, this Court is of the view that the amount awarded towards the land, as well as towards the trees and structures, is not exorbitant or excessive, and the amount enhanced by the learned Reference Court is just, reasonable and proper.

11. Therefore, no case is made out to interfere with the order passed by the learned Reference Court.

12. Hence, the present appeals are dismissed. No order as to costs.

13. Pending civil applications, if any, are also disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

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