

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.8671 OF 2015

01 Devrao Bhojram Devkar,
age: about 35 years, Occ:
Agril.,

02 Moglaji Saybu,
age: major, Occ: Agril.,

03 Madhavrao Saybu,
age: major, Occ: Agril.,

Sr.No.1 to 3 R/o Samrala,
Post: Yetala, Tq.Dharmabad,
District Nanded.

04 Rajeshwar Potanna Jakkawad,
age: major, Occ: Agril.,

05 Avadhoot Rajeshwar Jakkawad,
age: major, Occ: Agril.,

06 Parmeshwar Rajeshwar Jakkawad,
age: major, Occ: Agril.,

07 Sunildatta Rajeshwar Jakkawad,
age: major, Occ: Agril.,

08 Madhavrao Satvya Bhangare
(since deceased, through his LR:

Nagorao Satvya Bhangare,
age: major, Occ: Agril.,

09 Gangya Satya Bhangare
(since deceased, through his LR:

Rukminbai Gangya Bhangare,
age: major, Occ: Agril.,

10 Pochya Chandya Bhangare
(since deceased, through his LR:

Vithu Chandya Bhangare,
age: major, Occ: Agril.,

11 Anandrao Ramrao Aware,
age: major, Occ: Agril.,

12 Devidas Laxman Kadam,
age: major, Occ: Agril.,

All R/o Village Mauje Chikna,
Tq. Dharmabad, Dist.Nanded.

Petitioners

Versus

01 The State of Maharashtra,
through its Secretary,
Irrigation Development Department,
Mantralaya, Mumbai-32.

02 The District Collector,
Collector Office, Nanded.

03 The Dy. Collector
(Land Acquisition), at Nanded.

04 The Tahsildar,
Tahsil Office,
Tq. Dharmabad, Dist. Nanded.

05 The Executive Engineer,
Upper Penganga Project Division
No.6, Nanded,
Tal. & District Nanded.

Respondents

WITH
WRIT PETITION NO.8693 OF 2015

01 Kisan Irba Soge,
age: 25 years, Occ: Agril.,

02 Shankar Narsing Merewar
(since deceased, through his L.R:

Smt.Gangasagar Shankar Merewar,
age: 24 years, Occ: Agril.,

03 Shivram Narsing Merewar,
age: 45 years, Occ: Agril.,

04 Hashanna Narsing Merewar,
age: 40 years, Occ: Agril.,

05 Shaikh Iqbal Emam Saab
(since deceased through his L.R:

a Ahmedibegam w/o Shaikh Iqbal;

b Khajamiya Rajasaab (deceased)
LR-Shaikh Mahefatbee Shaikh
Ahmed;

c Shaikh Salim Ahmad Hussain;

d Shaikh Hajimiya Shaikh Ahmad
(deceased, through L.R.:
Ahmadi Begam w/o Shaikh Hajimiya

6 Pandit Shriram Shivilod,
age: 40 years, Occ: Agril.,

07 Abdul Rehman Shaikh Nawaj Saab,
(since deceased, through his L.Rs):

a Shaikh Khaja Abdul Rehman
Saab, age: 23 years, Occ: Agril.,

b Shaikh Mujahid Abdul Rehman
Saab, age: 30 years, Occ: Agril.,

c Shaikh Ajeem Abdul Rehman
Saab, age: 22, Occ: Agril.,

d Shaikh Taufik Abdul Rehman
Saab, age: 25, Occ: Agril.,

e Shaikh Sarvar Abdul Rehman
Saab, age: 24 years, Occ: Agril.,

08 Muktabai Tukaram Jangalekar,
(since deceased, through his LRs)

Shankar Tukaram Jangalekar,
age: 55 years, Occ: Agril.,

09 Anusayabai Kerba Pikle (since
deceased, through his LR):

Kerba Kamaji Pikle,
age: 50, Occ: Agril.,

All R/o Village Mauje Karkheli,
Tq.Dharmabad, District Nanded.

Petitioners

VERSUS

01 The State of Maharashtra,
through its Secretary,
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Mantralaya, Mumbai-32.

02 The District Collector,
Collector Office, Nanded.

03 The Dy. Collector (Land Acquisition),
at Nanded.

04 The Tahsildar,
Tahsil Office, Tq. Dharmabad,
District Nanded.

05 The Executive Engineer,
Upper Penganga Project Division
No.6, Nanded, Tq. & Dist.Nanded.

Respondents

WITH
WRIT PETITION NO.8672 OF 2015

01 Sidharam Mogaljai Gawalwad,
age: major, Occ: Agril.,

- 02 Vithal Bhaurao Jadhav,
age: major, Occ: Agril.,
- 03 Shamrao Bhaurao Jadhav,
age: major, Occ: Agril.,
- 04 Jeevan Bhaurao Jadhav,
age: major, Occ: Agril.,
- 05 Ramrao Bhaurao Jadhav,
age: major, Occ: Agril.,
- 06 Devba Devalaji Kambale,
age: major, Occ: Agril.,
- 07 Hanmant Sidaram Gawalwad,
age: major, Occ: Agril.,
- 08 Gangadhar Kerba Sonkambale,
age: major, Occ: Agril.,
- 09 Milind Kerba Sonkambale,
age: major, Occ: Agril.,
- 10 Shankar Gundaji Kambale,
age: major, Occ: Agril.,
- 11 Nagorao Dawalaji Kambale,
age: major, Occ: Agril.,
- 12 Sagunabai Nagorao Kamble,
age: major, Occ: Agril.,
- 13 Bhagwat Govind Kambale,
age: major, Occ: Agril.,
- 14 Keshav Govind Kambale,
age: major, Occ: Agril.,
- 15 Narsing Malhari Kambale,
age: major, Occ: Agril.,
- 16 Jijabai Narsing Kambale,
age: major, Occ: Agril.,

- 17 Chandu Devalaji Kambale,
age: major, Occ: Agril.,
- 18 Mahadabai Chandu Kamble,
age: major, Occ: Agril.,
- 19 Sarubai Samrut Bhoiwar,
age: major, Occ: Agril.,
R/o Antapur, Dist.Nanded.
- 20 Balaji Chandu Ghantewad,
age: major, Occ: Agril.,
- 21 Maroti Chandu Ghantewad,
age: major, Occ: Agril.,
- 22 Sudam Vithal Bhaskare,
Mujalaga, age: major,
Occ: Agril.,
- 23 Lalu Piraji Gawalwad,
age: major, Occ: Agril.,
- 24 Amrut Mariba Sonkambale,
age: major, Occ: Agril.,
- 25 Kamalbai Pandurang Totare,
age: major, Occ: Agril.,
- 26 Jayvantabai Vithal Bhaskare
(since deceased, through LRs)
Namdev Vithal Bhaskare,
age: major, Occ: Agril.,

Except Sr.No.19, All R/o
Village Mujalga, Tal. Deglur,
District Nanded.

Petitioners

VERSUS

- 01 The State of Maharashtra,
through its Secretary,

Irrigation Development Department,
Mantralaya, Mumbai-32.

- 02 The District Collector,
Collector Office, Nanded.
- 03 The Dy. Collector (Land Acquisition),
at Nanded.
- 04 The Tahsildar,
Tahsil Office, Tq. Dharmabad,
District Nanded.
- 05 The Executive Engineer,
Upper Penganga Project Division
No.6, Nanded, Tq. & Dist.Nanded.

Respondents

WITH
WRIT PETITION NO.8588 OF 2015

- 01 Madhav Baliram Kadam,
age: major, Occ: Agril.,
- 02 Baliram Maneji (since
deceased, through L.R.):

Madhav Baliram,
age: major, Occ: Agril.,
- 03 Keshav Laksman Sontakke,
(since deceased, through L.R.):

Nagabai Kashav Sontakke,
age: major, Occ: Agril.,

All R/o Mauje Karkheli,
Tq. Dharmabad, District Nanded.

Petitioners

VERSUS

- 01 The State of Maharashtra,
through its Secretary,

Irrigation Development Department,
Mantralaya, Mumbai-32.

- 02 The District Collector,
Collector Office, Nanded.
- 03 The Dy. Collector (Land Acquisition),
at Nanded.
- 04 The Tahsildar,
Tahsil Office, Tq. Dharmabad,
District Nanded.
- 05 The Executive Engineer,
Upper Penganga Project Division
No.6, Nanded, Tq. & Dist.Nanded.

Respondents

WITH
WRIT PETITION NO.8670 OF 2015

- 01 Namdev Vasantryao Hemke,
age: about 57 years, Occ: Agril.,
- 02 Prabhakar Vasantryao Hemke,
age: about 59 years, Occ: Agril.,
- 03 Digambar Vasantryao Hemke,
age: about 55 years, Occ: Agril.,
- 04 Laxman Irba Sontakke,
age: about 57 years, Occ: Agril.,
- 05 Gangaprasad Laxman Sontakke,
age: about 30 years, Occ: Agril.,
- 06 Laxman Jalba Khandre,
age: about 65 years, Occ: Agril.,

All R/o Karkheli, Tq.Dharmabad,
District Nanded.

Petitioners

VERSUS

- 01 The State of Maharashtra,

through its Secretary,
Irrigation Development Department,
Mantralaya, Mumbai-32.

- 02 The District Collector,
Collector Office, Nanded.
- 03 The Dy. Collector (Land Acquisition),
at Nanded.
- 04 The Tahsildar,
Tahsil Office, Tq. Dharmabad,
District Nanded.
- 05 The Executive Engineer,
Upper Penganga Project Division
No.6, Nanded, Tq. & Dist.Nanded. Respondents

Mr. R.B.Narvade Patil, advocate for petitioners
Mrs.A.V.Gondhalekar, A.G.P. for Respondents No.1 to 4.
Mr.B.R.Survase, advocate for Respondent No.5.

**CORAM : R.M.BORDE &
A.I.S.CHEEMA, JJ.
DATE : 03rd December, 2015**

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 For the reasons recorded in the judgment delivered in Writ Petition No.3146 of 2015, decided on 22nd July, 2015, instant petitions also deserve to be allowed.

3 A statement is made on behalf of the State Government, in the affidavit-in-reply presented in the matter, that

determination of amount of compensation will be done afresh in accordance with the provisions of new enactment i.e. Act of 2013 and the amount will be accordingly calculated and payment would be made.

4 In this view of the matter, we direct Respondent No.3- Deputy Collector (Land Acquisition), Nanded to take up the proceedings in respect of determination of amount of compensation and on determination of the amount, shall declare a supplementary award in accordance with the provisions of new enactment and we further direct the Dy Collector (Land Acquisition) and the acquiring body represented by Respondent No.5 shall pay amount of compensation so determined to the petitioners-claimants, as expeditiously as possible, preferably within a period of six months from today. The amount already paid to the petitioners-claimants, in accordance with the award already declared by applying provisions of old enactment, shall be adjusted against the amount of compensation, that would be determined in accordance with the provisions of Act of 2013 and differential amount shall be disbursed to the petitioners-claimants within time stipulated above.

5 Rule is made absolute in aforesaid terms. In the facts and circumstances, there shall be no order as to costs.

A.I.S.CHEEMA
JUDGE

adb/wp867115

R.M.BORDE
JUDGE