

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

FIRST APPEAL NO. 594 OF 2004

Bhikabai Ramji Mahakal (Died),
Through L.Rs.,
Dagadu Chila Mahakal .. Appellant

Versus

The Special Land Acquisition Officer,
M. I. W., Aurangabad and Another .. Respondents

**WITH
FIRST APPEAL NO. 588 OF 2004**

Rajbee Makbul Khan (Died),
Through L.Rs.,
Navaj Khan S/o Makubul Khan
and Others .. Appellants

Versus

The Special Land Acquisition Officer,
M. I. W., Aurangabad and Another .. Respondents

**WITH
FIRST APPEAL NO. 589 OF 2004**

Mehtab Abdul .. Appellant

Versus

The Special Land Acquisition Officer,
M. I. W., Aurangabad and Another .. Respondents

**WITH
FIRST APPEAL NO. 590 OF 2004**

Ramkrushna Mahadu .. Appellant

Versus

The Special Land Acquisition Officer,
M. I. W., Aurangabad and Another .. Respondents

**WITH
FIRST APPEAL NO. 591 OF 2004**

Gayabai Ragho Salve .. Appellant

Versus

The Special Land Acquisition Officer,
M. I. W., Aurangabad and Another .. Respondents

**WITH
FIRST APPEAL NO. 592 OF 2004**

Abbas Sardar .. Appellant

Versus

The Special Land Acquisition Officer,
M. I. W., Aurangabad and Another .. Respondents

**WITH
FIRST APPEAL NO. 595 OF 2004**

Mohd. Hanif Karim Khan .. Appellant

Versus

The Special Land Acquisition Officer,
M. I. W., Aurangabad and Another .. Respondents

**WITH
FIRST APPEAL NO. 596 OF 2004**

Narayan Tukaram patil (Died),
Through L.Rs.,
Gayabai W/o Narayan Mahakal and
Others .. Appellants

Versus

The Special Land Acquisition Officer,
M. I. W., Aurangabad and Another .. Respondents

**WITH
FIRST APPEAL NO. 597 OF 2004**

Ramchandra Shankar Kali .. Appellant

Versus

The Special Land Acquisition Officer,
M. I. W., Aurangabad and Another .. Respondents

**WITH
FIRST APPEAL NO. 593 OF 2004**

Alikhan Osmankhan (Died),
Through L.Rs.,
Abedabi Alikhan (Died),
Through L.Rs.
Farukh Khan S/o Ali Khan and Others .. Appellants

Versus

The Special Land Acquisition Officer,
M. I. W., Aurangabad and Another .. Respondents

Shri V. D. Gunale, Advocate for appellants in all matters.
Shri D. R. Korde, A. G. P. for the Respondent No. 1 in all matters.
Shri Anup R. Nikam, Advocate for the acquiring body in all matters.

CORAM : S. V. GANGAPURWALA, J.
DATE : 01ST OCTOBER, 2015.

PER COURT :

1. Mr. Gunale, the learned counsel submits that, lands in all these appeals are acquired vide notification under Section 4, dated 16.04.1990. The learned counsel submits that, the S. L. A. O. has granted compensation at the rate of Rs. 300/- per R. The Reference Court has enhanced it to Rs. 420/- per R. The learned counsel submits that, the Apex Court in a case of **Bilkhis and Others V/s State of Maharashtra and Others** reported in **(2011) 12 SCC 646**, has awarded compensation at the rate of Rs. 650 per R in respect of the lands acquired from village Fardapur and Thane, for the purpose of tourism development.

2. The learned counsel submits that, this Court also vide its judgment and order dated 02nd September, 2015, in first appeal No. 703 of 2002 with other connected appeals has partly allowed the appeals, granting compensation at the rate of Rs. 650 per R.

3. Mr. Nikam, the learned counsel for acquiring body and the learned A. G. P. do not dispute the fact that the lands in the present appeals are also acquired for the same project as was the case before the Apex Court in a case of **Bilkhis** referred supra.

4. In light of the above and for the reasons stated in the judgment dated 02nd September, 2015, in first appeal No. 703 of 2002 with other connected appeals, the present appeals are also partly allowed.

5. In the light of the above, the award passed by the Reference Court is modified to the extent that, the respondents are jointly and severally liable to pay the claimants compensation for their acquired lands at the rate of Rs. 650/- per R. Save and except the modification, made herein, the remaining part of the award of the Reference Court is sustained and upheld. The statutory benefits as awarded by the Reference Court shall follow. The first appeals are partly allowed. No costs.

[S. V. GANGAPURWALA, J.]

sam/Oct.15