

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

FIRST APPEAL NO. 2345 OF 2015

Narayan Vishnu Patil

... Appellant

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....

Mr Ajeet B. Kale, Advocate for the appellant
Mr S. D. Dhongade and Ms Kutti, Advocate for acquiring body

.....

ALONG WITH

FIRST APPEAL NO. 2346 OF 2015
FIRST APPEAL NO. 2347 OF 2015
FIRST APPEAL NO. 2348 OF 2015
FIRST APPEAL NO. 2351 OF 2015
FIRST APPEAL NO. 2352 OF 2015
FIRST APPEAL NO. 2353 OF 2015
FIRST APPEAL NO. 2354 OF 2015
FIRST APPEAL NO. 2355 OF 2015
FIRST APPEAL NO. 2356 OF 2015
FIRST APPEAL NO. 2357 OF 2015
FIRST APPEAL NO. 2358 OF 2015
FIRST APPEAL NO. 2359 OF 2015
FIRST APPEAL NO. 2360 OF 2015

913 FIRST APPEAL NO. 2362 OF 2015
WITH FA/2365/2015 WITH FA/2367/2015 WITH FA/2369/2015
WITH FA/2370/2015 WITH FA/2371/2015 WITH FA/2373/2015
WITH FA/2376/2015 WITH FA/2377/2015 WITH FA/2379/2015
WITH FA/2380/2015

914 FIRST APPEAL NO. 2363 OF 2015
WITH FA/2364/2015 WITH FA/2366/2015 WITH FA/2368/2015
WITH FA/2404/2015

915 FIRST APPEAL NO. 2372 OF 2015
WITH FA/2374/2015 WITH FA/2375/2015 WITH FA/2378/2015
WITH FA/2383/2015 WITH FA/2384/2015 WITH FA/2386/2015
WITH FA/2388/2015

916 FIRST APPEAL NO. 2381 OF 2015
WITH FA/2382/2015 WITH FA/2385/2015 WITH FA/2387/2015

917 FIRST APPEAL NO. 2394 OF 2015

918 FIRST APPEAL NO. 2395 OF 2015
WITH FA/2396/2015 WITH FA/2398/2015 WITH FA/2399/2015
WITH FA/2400/2015 WITH FA/2402/2015

919 FIRST APPEAL NO. 2403 OF 2015
WITH FA/2389/2015 WITH FA/2390/2015 WITH FA/2391/2015
WITH FA/2392/2015 WITH FA/2393/2015 WITH FA/2397/2015
WITH FA/2401/2015 WITH FA/2405/2015 WITH FA/2406/2015
WITH FA/2407/2015

920 FIRST APPEAL NO. 2408 OF 2015

921 FIRST APPEAL NO. 2409 OF 2015

922 FIRST APPEAL NO. 2410 OF 2015
WITH FA/2412/2015 WITH FA/2413/2015

923 FIRST APPEAL NO. 2411 OF 2015
WITH FA/2414/2015 WITH FA/2415/2015 WITH FA/2416/2015
WITH FA/2418/2015 WITH FA/2419/2015

924 FIRST APPEAL NO. 2417 OF 2015

925 FIRST APPEAL NO. 2420 OF 2015
WITH FA/2421/2015 WITH FA/2422/2015 WITH FA/2423/2015

926 FIRST APPEAL NO. 2424 OF 2015

927 FIRST APPEAL NO. 2425 OF 2015

928 FIRST APPEAL NO. 2426 OF 2015

929 FIRST APPEAL NO. 2427 OF 2015

930 FIRST APPEAL NO. 2428 OF 2015

931 FIRST APPEAL NO. 2429 OF 2015

932 FIRST APPEAL NO. 2430 OF 2015

933 FIRST APPEAL NO. 2431 OF 2015

934 FIRST APPEAL NO. 2432 OF 2015

935 FIRST APPEAL NO. 2433 OF 2015

936 FIRST APPEAL NO. 2434 OF 2015
WITH FA/2436/2015 WITH FA/2437/2015 WITH FA/2439/2015
WITH FA/2451/2015

937 FIRST APPEAL NO. 2435 OF 2015

938 FIRST APPEAL NO. 2438 OF 2015

939 FIRST APPEAL NO. 2440 OF 2015

940 FIRST APPEAL NO. 2441 OF 2015

941 FIRST APPEAL NO. 2442 OF 2015

942 FIRST APPEAL NO. 2443 OF 2015

943 FIRST APPEAL NO. 2444 OF 2015

944 FIRST APPEAL NO. 2445 OF 2015

945 FIRST APPEAL NO. 2446 OF 2015

946 FIRST APPEAL NO. 2447 OF 2015

947 FIRST APPEAL NO. 2448 OF 2015

948 FIRST APPEAL NO. 2449 OF 2015

949 FIRST APPEAL NO. 2450 OF 2015
WITH FA/2452/2015 WITH FA/2454/2015 WITH FA/2456/2015
WITH FA/2461/2015 WITH FA/2464/2015 WITH FA/2467/2015
WITH FA/2468/2015

950 FIRST APPEAL NO. 2453 OF 2015

951 FIRST APPEAL NO. 2455 OF 2015

952 FIRST APPEAL NO. 2457 OF 2015

953 FIRST APPEAL NO. 2458 OF 2015

954 FIRST APPEAL NO. 2459 OF 2015

955 FIRST APPEAL NO. 2460 OF 2015

956 FIRST APPEAL NO. 2462 OF 2015

957 FIRST APPEAL NO. 2463 OF 2015

958 FIRST APPEAL NO. 2465 OF 2015

959 FIRST APPEAL NO. 2466 OF 2015

960 FIRST APPEAL NO. 2469 OF 2015

961 FIRST APPEAL NO. 2470 OF 2015

962 FIRST APPEAL NO. 2471 OF 2015

963 FIRST APPEAL NO. 2472 OF 2015

964 FIRST APPEAL NO. 2473 OF 2015

CORAM : S. V. GANGAPURWALA, J.

DATE : 16TH SEPTEMBER, 2015.

PER COURT:

. All these matters deal with acquisition of the properties of the claimants on account of submergence of area under Waghur Dam.

2. Vide Judgment and Order dt. 19.12.2013, I have disposed of group of First Appeals bearing First Appeal No. 3060 of 2013 with connected first appeals, thereby upholding the valuation made by the reference Court in respect of the land at Rs. 600/- per R, however, had granted enhancement of compensation in respect of the structures, wherein the valuer's report was considered by this Court and had

deducted 10% from the said valuer's report. In para 7, 8 and 9, I have observed as under :

"7. *The Court has appreciated the evidence on record and had come to the conclusion that he accepts the valuation report. But then no reason is given for deducting the amount in some of the matters upto 60% to 75% and in majority of matters 25%.*

8. *There may be some error. To work out the said margin of error, some deduction would be permissible from the amount as suggested by the valuer. Considering the fact that, the properties acquired are lands and small houses the margin of error would also be less.*

9. *In the light of the above, it would be appropriate to deduct 10% from the valuation as shown by the expert.*

3. Mr S. D. Dhongade and Ms Kutti, learned Counsel appearing on behalf of the acquiring body in respective appeals, accept that this Court had disposed of some of the appeals bearing First Appeal No. 3060 of 2013 along with connected appeals, vide judgment and order dt. 19.12.2013, in respect of the same acquisition.

4. In light of the above, I pass the following order

ORDER

- (i) The claimants in all these appeals would be entitled for the compensation of the acquired land at the rate of Rs. 600/- per square meter for open piece of land as given by the reference Court and for house properties acquired as per the

chart given below along with the statutory benefits as awarded by the reference Court.

CHART

Sr. No.	Name of Party	First Appeal No.	L.A.R. No.	10% Deduction
1.	Trambak Ramdas Chaudhari	2421/15	441/05	5950
2.	Dhudku Vedu Johare	2420/15	445/05	3600
3.	Bhagwat Natthu Kale	2422/15	446/05	4950
4.	Devkibai Chindhu Shelke	2423/15	443/05	3600
5.	Vitthal Raghunath Patil		450/05	4770
6.	Ramesh Pandurang Sonar	2419/15	411/05	2160
7.	Samadhan Rajaram Manore	2415/15	413/05	1350
8.	Shankar Sukam Patil	2409/15	415/05	5175
9.	Shrawan Fakira Bhil	2416/15	416/05	1350
10.	Kalpanabai Suresh Pithode	2414/15	417/05	4680
11.	Tukaram Bhika Rokde	2418/15	420/05	5400
12.	Tulsabai Subhash Patil	2366/15	250/05	3870
13.	Sambhaji Dagdu Patil		251/05	2070
14.	Bharat Totaram Nhavi	2364/15	252/05	630
15.	Shantaram Hari Kolhe	2404/15	253/05	7200
16.	Narayan Sampat Johare	2363/15	254/05	1440
17.	Ushabai Dattatraya Chaudhari	2368/15	255/05	3780
18.	Babu Natthu Koli	2372/15	700/05	2520
19.	Bhika Hari Patil	2375/15	701/05	1170
20.	Sakubai Rajaram Manore		249/05	900
21.	Bhaskar Bhaurao Mule		703/05	4410
22.	Bhagwan Onkar Patil	2378/15	704/05	1980
23.	Eknath Vithoba Kolhe	2388/15	725/05	3420
24.	Vasant Natthu Chaudhari	2374/15	730/05	4680
25.	Mankarnabai Pandurang Patil	2386/15	731/05	4320
26.	Bhikari Mangoo Patil	2384/15	789/05	2880
27.	Ahilyabai Yuvraj Patil	2442/15	245/05	6300
28.	Nathu Kacharu Kulle	2447/15	727/05	6300
29.	Hirabai Keshrilal Patil	2445/15	729/05	5850
30.	Dattu Natthu Kulle	2441/15	705/05	1980
31.	Dharmaraj Waman Patil	2444/15	2298/05	6300
32.	Ramdas Narayan Shirsath	2472/15	706/05	5850
33.	Tukaram Ramdhan Patil	2446/15	708/05	7290
34.	Narayan Onkar Patil	2438/15	2302/05	5400
35.	Vatsalabai Fakira Koli	2468/15	732/05	2115
36.	Arjun Rajaram Sonawane	2461/15	733/05	2565
37.	Rangnath Namdeo Chaudhari	2452/15	735/05	4410
38.	Bhagwat Hari Chaudhari	2467/15	736/05	4320
39.	Gumfabai Ratan Patil	2462/15	737/05	5040

40.	Hari Rajaram Patil	2454/15	749/05	5040
41.	Madhukar Govinda Randhir	2450/15	750/05	2970
42.	Shankar Namdeo Johare	2464/15	751/05	900
43.	Tukaram Ukha Koli	2456/15	752/05	3780
45.	Kamlabai Shivram Koli	2346/15	744/05	2340
46.	Narayan Vishnu Patil	2345/15	695/05	5590
47.	Bhagirathibai Madhu Patil	2348/15	696/05	3510
48.	Sharad Madhukar Patil	2459/15	709/05	5400
49.	Bhika Chindhu Koli	2471/15	711/05	4950
50.	Bhikari Zipru Patil		718/05	4950
51.	Govinda Rajaram Patil	2432/15	719/05	4320
52.	Yashwant Motiram Patil	2457/15	478/05	4950
53.	Kalabai Kadu Chaudhari	2455/15	479/05	3150
54.	Kishor Ramchandra Patil		475/05	-
55.	Sayabai Pandharinath Sonar	2429/15	645/05	4410
56.	Kadubai Ramdas Chaudhari	2427/15	687/05	5400
57.	Afshanbi Shaikh Mohammad		380/05	2610
58.	Pundlik Nathu Kulle		391/05	4050
59.	Arjun Ramdas Chaudhari	2394/15	793/05	3330
60.	Ramesh Namdeo Patil	2458/15	799/05	5265
61.	Suklal Rajaram Patil	2426/15	514/___	4320
62.	Sakhrabai Chindhu Koli	2424/15	517/06	5400
63.	Sanjay Waman Patil	2465/15	535/05	
64.	Tukaram Laxman Patil	2463/15	453/05	3510
65.	Nana Sakharam Patil	2469/15	455/05	7200
66.	Dhanraj Namdeo Patil	2448/15	458/05	3960
67.	Damu Namdeo Johare	2466/15	459/05	7200
68.	Baliram Deochand Nhavi	2470/15	460/05	7200
69.	Dinkar Madhukar Patil	2460/15	454/05	1530
70.	Ramdas Namdeo Lohar		433/05	7200
71.	Devram Pandhari Patil	2381/15	436/05	3330
72.	Damu Namdeo Koli	2385/15	437/05	2610
73.	Chamelibai Suklal Patil	2382/15	439/05	3420
74.	Chandrakalabai Pandurang Patil	2387/15	440/05	4050
75.	Rajendra Pandurang Patil	2362/15	547/05	4680
76.	Kailas Vishnu Patil	2365/15	587/05	4320
77.	Keshribai Pandhari Patil	2377/15	588/05	2520
78.	Pramilabai Shriram Patil	2373/15	590/05	5400
79.	Keshav Savliram Vadar	2380/15	589/05	2970
80.	Sanjay Hiranman Patil	2376/15	591/05	4450
81.	Yuvraj Deochand Bhil	2369/15	593/05	4050
82.	Usha Sanjay Patil	2367/15	594/05	4500
83.	Leelabai Janardhan Patil	2370/15	595/05	4680
84.	Yuvraj Pralhad Patil	2379/15	596/05	4860
85.	Hari Ganpat Johare	2371/15	597/05	2700
86.	Prabhawati Sambhaji Patil	2351/15	559/05	2880
87.	Pramila Shriram Patil	2354/15	560/05	2700
88.	Shalik Ramdhan suradkar	2353/15	564/05	4230
89.	Sitaram Shenfadu Johare	2352/15	575/05	2160

90.	Yuvraj Ramdas Patil	2403/15	644/05	4590
91.	Ishwar Trambak Koli	2392/15	646/05	3420
92.	Vijayabai Bhagwan Patil	2391/15	647/05	1800
93.	Prabhakar Onkar Sandhyashi	2397/15	648/05	5400
94.	Narmadabai R. Sable	2393/15	650/05	4320
95.	Suresh Pundlik Patil	2405/15	651/05	2880
96.	Bhagwan Pandhari Patil	2390/15	655/05	5400
97.	Ramesh Pralhad Patil	2401/15	656/05	3600
98.	Ramdas Totaram Pardhi	2407/15	658/05	3330
99.	Raju Dalpat Chaudhari	2406/15	659/05	2610
100.	Indubai Zipru Chambhar		660/05	3240
101.	Prakash Ramdas Chikhle	2412/15	508/05	5400
102.	Sanjay Goba Patil	2410/15	577/05	3780
103.	Shantaram Yashwant Patil	2417/15	563/05	4860
104.	Shivaji Bajirao Patil	2413/15	521/05	4635
105.	Punjaji Shripat Patil	2355/15	2400/05	3420
106.	Sukdeo Nathu Kale	2360/15	2401/05	4860
107.	Santosh Kashiram Patil	2358/15	2402/05	4500
108.	Pandurang Narayan Shirsath	2356/15	2403/05	3420
109.	Ashok Motiram Patil	2359/15	2404/05	3600
110.	Pandurang Madhav Sonar	2357/15	2405/05	3570
111.	shivaji Narayan Baviskar		247/05	3060
112.	Bharat Baliram Randhir		284/05	5400
113.	Prakash Chindhu Patil	2398/15	286/05	4950
114.	Waman Motiram Patil	2396/15	476/05	6300
115.	Dashrath Ramkrushna Patil	2399/15	477/05	360
116.	Bhagwan Keshav Patil		537/05	4140
117.	Kiran Sitaram Patil	2395/15	732/05	5580
118.	Sahebrao Pamdurang Lohar	2400/15	733/05	3780
119.	Ishwar Chindhu Chaudhari	2402/15	788/05	3600
120.	Vasant Pundlik Sonar		422/05	
121.	Anusayabai Nana Patil	2436/15	561/05	3600
122.	Suresh Totaram Patil	2439/15	576/05	4950
123.	Mandabai Shamrao Sonawane	2451/15	583/05	3600
124.	Nathabai Kautik Patil	2434/15	585/05	1215
125.	Indrawatibai Devram Patil	2453/15	657/05	
126.	Sambhaji Bajirao Patil	2433/15	613/05	6300
127.	Trimbak Kadu Patil	2435/15	740/05	2340
128.	Devidas Dalpat Chaudhari		442/05	4590
129.	Dhanraj Chintaman Patil		444/05	3330
130.	Narayan Totaram Patil		448/05	4230
131.	sheshrao Pandhari Patil		550/05	3150
132.	Shivaji Narayan Baviskar		551/05	5400
133.	Santosh Shaligram Nimbalkar		548/05	2907
134.	Kokilabai Shantaram Bhamre		584/05	2430
135.	Baliram Mango Johare	2428/15	697/05	2970
136.	Dilip Dhudku Johare	2425/15	723/05	5400
137.	Kesharilal Bajirao Patil	2437/15	586/05	5400
138.	Shantaram Laxman Patil 923-1	2411/15	412/05	1980
139.	Santosh Shaligram Nimbalkar		548/05	5400

140.	Sakharabai Chindhu Koli	2424/15	517/06	5400
141.	Savitribai Pandhari Patil	2347/15	741/05	2070

5. The respondents shall pay the compensation amount to the claimants as per the above chart in respect of the house properties and at a rate of Rs. 600/- per square meter for open land along with all statutory benefits as held by the reference Court

6. In respect of enhanced compensation amount, the claimants would not be entitled for the statutory benefits on the enhanced compensation amount for the delayed period i.e from December-2009 till October 2013 as per the undertaking given by them.

7. First Appeals stand partly allowed however, with no order as to costs.

[S. V. GANGAPURWALA, J.]

sgp