

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

FIRST APPEAL ST. NO.28231/2015 WITH
FIRST APPEAL ST. NO.28899/2015 WITH
FIRST APPEAL ST. NO.28901/2015 WITH
FIRST APPEAL ST. NO.28905/2015 WITH
FIRST APPEAL ST. NO.28910/2015 WITH
FIRST APPEAL ST. NO.28908/2015 WITH
FIRST APPEAL ST. NO.28879/2015 WITH
FIRST APPEAL ST. NO.28233/2015 WITH
FIRST APPEAL ST. NO.28871/2015 WITH
FIRST APPEAL ST. NO.28875/2015 WITH
FIRST APPEAL ST. NO.28881/2015 WITH
FIRST APPEAL ST. NO.28887/2015 WITH
FIRST APPEAL ST. NO.28890/2015 WITH
FIRST APPEAL ST. NO.28239/2015 WITH
FIRST APPEAL ST. NO.28265/2015 WITH
FIRST APPEAL ST. NO.28944/2015 WITH
FIRST APPEAL ST. NO.28942/2015 WITH
FIRST APPEAL ST. NO.28940/2015 WITH
FIRST APPEAL ST. NO.28937/2015 WITH
FIRST APPEAL ST. NO.28919/2015 WITH
FIRST APPEAL ST. NO.28928/2015 WITH
FIRST APPEAL ST. NO.28805/2015 WITH
FIRST APPEAL ST. NO.28809/2015 WITH
FIRST APPEAL ST. NO.28797/2015 WITH
FIRST APPEAL ST. NO.28800/2015 WITH
FIRST APPEAL ST. NO.28790/2015 WITH
FIRST APPEAL ST. NO.28793/2015 WITH
FIRST APPEAL ST. NO.28803/2015 WITH
FIRST APPEAL ST. NO.28785/2015 WITH
FIRST APPEAL ST. NO.28952/2015 WITH
FIRST APPEAL ST. NO.28811/2015 WITH
FIRST APPEAL ST. NO.28814/2015 WITH
FIRST APPEAL ST. NO.28819/2015 WITH
FIRST APPEAL ST. NO.28816/2015 WITH
FIRST APPEAL ST. NO.28828/2015 WITH
FIRST APPEAL ST. NO.28826/2015 WITH
FIRST APPEAL ST. NO.28824/2015

ATMARAM RAOJI PATIL AND OTHERS

VERSUS

**THE SPECIAL LAND ACQUISITION OFFICER (2) U.T.P.H. JALGAON
AND ANOTHER**

...

...
Advocate for Appellant : Mr. Kale Ajeet B.
AGP for Respondents: Mr. S. P. Sonpawale
Advocate for Respondents : Mrs. Chetali Kutti Choudhari
...

CORAM : S. V. GANGAPURWALA, J.

DATE : 21st October, 2015

PER COURT :

1. 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. Mrs 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.	<u>Name of Party</u>	First Appeal St.No.	L.A.R. No.	10 % Deduction
1	Nadarbai Shenfadu Patil	28811/15	632/2005	4950
2	Ganesh Dhanraj Patil (Died) Through L.Rs. Dhanraj Shankarrao Patil & another	28824/15	633/2005	6075
3	Shivaji Shenfadu Patil	28819/15	634/2005	6075
4	Atmaram Tukaram patil & another	28828/15	636/2005	4950
5	Dnyaneshwar Hari Patil	28814/15	638/2005	4950
6	Sambhaji Rajaram Patil	28826/15	639/2005	3950
7	Totaram Tukaram Patil	28816/15	640/2005	4950
8	Anna Ramlal Patil, Bebabai Ramlal Patil (Guardian of Anna Ramlal Patil)	28239/15	604/05	4950
9	Dhanraj Shankarrao Patil	28881/15	607/05	6075
10	Ashok Shenfadu Patil	28890/15	614/05	4950
11	Jankiram Sitaram Patil	28887/15	615/05	6075
12	Ramesh Ramdhan Patil	28803/15	529/05	4950
13	Ramesh Keshav Baviskar (Patil)	28785/15	530/05	-
14	Vatsalabai Ramlal Patil	28809/15	531/05	4950
15	Sanjay Bhaulal Patil	28797/15	532/05	3950
16	Shamrao Keshav Patil	28793/15	533/05	6075
17	Indubai Totaram Patil	28790/15	534/05	4950
18	Yuvraj Tapiaram Patil	2805/15	535/05	6075
19	Chindhu Lotu Patil (Died) Thr. L.R. Indubai Chindhu Chavan + Anantrao +Bhagwan+ Ashabai Bharat Wagh (others)	28952/15	536/05	4950
20	Namdeo Keshav Patil	28800/15	537/05	6075
21	Suresh Shenfadu Patil	28233/15	605/05	4950

22	Nirmalabai Shriram Patil	28879/15	641/05	4950
23	Mango Sitaram Patil	28875/15	642/05	4950
24	Santosh Vithoba Patil	28871/15	643/05	6075
25	Trambak Motiram Patil	28265/15	557/05	6075
26	Prakash Shenfadu Sonwane	28940/15	558/05	4950
27	Digambar Shriram Patil	28937/15	578/05	3950
28	Mathurabai Tukaram Chavan	28928/15	579/05	4950
29	Subhash Shenfadu Sonwane	28919/15	580/05	4950
30	Pundlik Keshav Patil	28942/15	581/05	4950
31	Arjun Damu Patil	28944/15	582/05	4950
32	Atmaram Raoji Patil	28231/15	553/05	4950
33	Baliram Ramdhan Patil	28910/15	554/05	4950
34	Supdabai Rangnath Patil	28899/15	556/05	4950
35	Sindhubai Dhanraj Patil	28908/15	629/05	6075
36	Rajaram Sitaram Patil	28905/15	677/05	4950
37	Ishwar Ramdhan Patil	28901/15	681/05	4950

- ii. 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.
- iii. 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.
- iv. First Appeals stand partly allowed however, with no order as to costs.

(S. V. GANGAPURWALA, J.)

JPC