

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

913 FIRST APPEAL NO. 2745 OF 2015

WITH FA/2746/2015 WITH FA/2747/2015 WITH FA/2748/2015
 WITH FA/2749/2015 WITH FA/2751/2015 WITH FA/2752/2015
 WITH FA/2753/2015 WITH FA/2754/2015 WITH FA/2755/2015
 WITH FA/2756/2015 WITH FA/2757/2015 WITH FA/2758/2015
 WITH FA/2759/2015 WITH FA/2760/2015 WITH FA/2761/2015
 WITH FA/2762/2015 WITH FA/2763/2015 WITH FA/2764/2015
 WITH FA/2765/2015 WITH FA/2766/2015 WITH FA/2767/2015
 WITH FA/2768/2015 WITH FA/2769/2015 WITH FA/2770/2015
 WITH FA/2771/2015 WITH FA/2772/2015 WITH FA/2773/2015
 WITH FA/2774/2015 WITH FA/2775/2015 WITH FA/2776/2015
 WITH FA/2777/2015 WITH FA/2778/2015 WITH FA/2779/2015
 WITH FA/2780/2015 WITH FA/2781/2015 WITH FA/2782/2015
 WITH FA/2783/2015 WITH FA/2784/2015 WITH FA/2785/2015
 WITH FA/2786/2015 WITH FA/2787/2015 WITH FA/2788/2015
 WITH FA/2789/2015 WITH FA/2790/2015 WITH FA/2791/2015
 WITH FA/2792/2015 WITH FA/2793/2015 WITH FA/2794/2015
 WITH FA/2795/2015 WITH FA/2796/2015 WITH FA/2797/2015
 WITH FA/2798/2015 WITH FA/2799/2015 WITH FA/2800/2015
 WITH FA/2801/2015 WITH FA/2802/2015 WITH FA/2803/2015
 WITH FA/2804/2015 WITH FA/2805/2015 WITH FA/2806/2015
 WITH FA/2807/2015 WITH FA/2808/2015 WITH FA/2809/2015
 WITH FA/2810/2015

MOTIRAM NATHU PARATHI AND OTHERS

VERSUS

THE COLLECTOR, JALGAON AND OTHERS

...

Advocate for Appellant : Mr. Kale Ajeet B.

AGP for Respondents: Mr. S. P. Sonpawale

Advocate for Respondents : Mrs. Chetali Kutti Choudhari

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CORAM : S. V. GANGAPURWALA, J.

DATE : 21th 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. 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.	<u>Name of Party</u>	First Appeal St.No.	L.A.R. No.	10 % Deduction
1	Arjun Ganpat Johare deceased (Through LRs.) Kalabai Arjun Johare & others	30005/15	371/2009	5850
2	Sayabai Baliram Sonar deceased (Thr.LRs.) Namdeo Baliram Vispute & others	30320/15	373/2009	5850
3	Onkar Ramkrushna Patil	30322/15	374/2009	5850

4	Baburao Onkar Patil	30280/15	672/2005	4950
5	Pandurang Tapiram Patil	30277/15	673/2005	4950
6	Jankiram Ramdhan Patil	30274/15	675/2005	4950
7	Gayabai Hari Patil	30271/15	676/2005	6075
8	Ramlal Motiram Patil	30267/15	678/2005	6075
9	Shrawan Pandhari Koli	30012/15	227/2007	5850
10	Namdeo Daulat Koli	30299/15	231/2007	-
11	Yashodabai Daulat Koli(Deceased) Through L.Rs. 1) Namdeo Daulat Koli & another	30303/15	232/2007	5850
12	Waman Vithoba Patil	30067/15	350/2009	5850
13	Sharda Waman Patil	30202/15	351/2009	5850
14	Rangabai Tukaram Patil	30204/15	358/2009	5850
15	Krishna Onkar Patil	30248/15	600/2005	4950
16	Jairam Onkar Patil	30334/15	601/2005	4950
17	Santosh Thuku Pardhi	30241/15	670/2005	4950
18	Pandit Keshav Bavaskar	28501/15	684/2005	4950
19	Narayan Dhondu Patil (Deceased)L.Rs. Raghunath Narayan Patil	30245/15	685/2005	6075
20	Pandit Shamrao Sonwane	28486/15	376/2005	5850
21	Baliram Nathu Sonar (Died) Through L.Rs 1) Vishnu Baliram Vispute & other	30214/15	375/2005	5850
22	Smt. Deokabai Suklal Pawar	28288/15	377/2005	5850
23	Ramesh Ramdas Koli & others	30216/15	378/2005	5850
24	Mango Baliram Koli	30211/15	379/2005	-
25	Parashuram Rajaram Patil	28499/15	388/2009	5850
26	Bhaskar Ramkrishna Patil	28950/15	389/2009	5850
27	Madhav Tanku Shirsath (Though. Power of Attorney) Aravind Daulat Hire.	30539/15	391/2009	5850
28	Sukram Shankar Kolhe	28401/15	419/2005	5850
29	Dnyaneshwar Rajaram Mistri & another	28894/15	423/2007	5850
30	Atmaram Vedu Johare (Died)) Through L.Rs. 1) Ahilyabai Atmaram Johare (Died) +	30071/15	366/2009	5850

	2) Mukunda Atmaram Johare 3) Dadarao Atmaram Johare.			
31	Arjun Trambak Patil & another	30255/15	367/2009	5850
32	Ravindra Janardan Patil	30253/15	368/2009	5850
33	Vishwanath Nathu Chaudhari.	30251/15	370/2009	5850
34	Sonabai Damu Koli & others	30014/15	381/2009	5850
35	Gayabai Kashiram Patil	30263/15	353/2009	5850
36	Premchand Shalik Patil & another	30261/15	354/2009	5850
37	Sayabai Diwakar Choudhari	30259/15	357/2009	5850
38	Sherkha Motikha	30257/15	359/2009	5850
39	Shivjiram Dhanji Patil	30020/15	361/2009	5850
40	Yuvraj Shivjiram Patil	30295/15	362/2009	5850
41	Pandurang Daulat Patil (Died) Through L.Rs. 1) Minabai Vasant Patil & others	30292/15	363/2009	5850
42	Hari Totaram Narwade	30288/15	364/2009	5850
43	Anjanabai Bhagwan Patil	30285/15	365/2009	5850
44	Jyotiram Nathu Parathi	28286/15	293/2009	5850
45	Lilabai Shivaji Parathi	29448/15	294/2009	5850
46	Motiram Nathu Parathi	29452/15	295/2009	5850
47	Tanku Shankar Parathi	29444/15	296/2009	5850
48	Jyotiram Nathu Paradhi (Salunkhe)	28284/15	289/20069	5850
49	Pralhd Tanaku Parathi	28766/15	290/2009	5850
50	Shivaji Sukdeo Paradhi & another	28764/15	291/2009	5850
51	Ashok Deochand Bhil & another	28768/15	292/2009	5850
52	Vinod Parshuram Patil & others	30016/15	1142/2006	1440
53	Motiram Tukaram Patil	30330/15	1143/2006	3690
54	Eknath Vithoba Patil	30328/15	1144/2006	3690
55	Tapabai Baliram Johare	30332/15	1145/2006	2970

56	Sariputra Baliram Johare	30326/15	1146/2006	2880
57	Belabai Pralhad Johare	30324/15	1148/2006	1800
58	Pandurang Shankar Kolhe	30120/15	665/2005	4950
59	Baliram Narayan Koli	30010/15	385/2009	5850
60	Prakash Ramkrishna Patil	30315/15	383/2009	5850
61	Shivdas Damu Koli	30317/15	384/2009	5850
62	Baliram Narayan Koli	30311/15	386/2009	5850
63	Lilabai Dattu Patil	30308/15	387/2009	5850
64	Kashiram Vithoba Patil	28495/15	1133/2006	3240
65	Sunil Pandharinath Patil	28948/15	1141/2006	1440

- 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