

**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**

...

**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**

| <b>Sr. No.</b> | <b><u>Name of Party</u></b>                                               | <b>First Appeal St.No.</b> | <b>L.A.R. No.</b> | <b>10 % Deduction</b> |
|----------------|---------------------------------------------------------------------------|----------------------------|-------------------|-----------------------|
| 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<br>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 &<br>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)<br>Through L.Rs.<br>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<br>(Salunkhe)                                               | 28284/15 | 289/20069 | 5850 |
| 49 | Pralhd Tanaku Parathi                                                              | 28766/15 | 290/2009  | 5850 |
| 50 | Shivaji Sukdeo Paradhi &<br>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