

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1448 OF 2013

- 1] Shri Sant Sadguru Janardan Swami
(Maungiri) Maharaj Sri Kashi
Vishwanath Mahadeo Trust, Kopargaon,
Bet, Kopargaon, Dist. Ahmednagar
Through all trustees mentioned below
i.e. appellants 2 to 12
- 2] Mohanrao Piraji Chavan,
Age : 71 years, Occu.: Agriculture
- 3] Ambadas Dada Antre,
Age : 61 years, Occu.: Agriculture
- 4] Yadavrao Baburao Kote,
Age : 58 years, Occu.: Agriculture
- 5] Raosaheb Babaji Patil
died substitute him
Dattatraya Balkrishna Holkar,
Age : 65 years, Occu.: Agriculture
- 6] Tryambak Krishnaji Patil,
Age : 57 years, Occu.: Agriculture
- 7] Baburao Savleram Shinde,
Age : 61 years, Occu.: Agriculture
- 8] Ramkrishan Banduji Kokate,
Age : 66 years, Occu.: Agriculture
- 9] Vitthal Pandurang Kadam Died
Substitute him
Subhash Bapurao Shinde,
Age : 65 years, Occu.: Agriculture
- 10] Vinayak Mahadeo Raskar,
Age : 61 years, Occu.: Agriculture
- 11] Vilas Vishwanath Pangavane,
Age : 57 years, Occu.: Agriculture

- 12] Anil Bappasaheb Jadhav,
Age : 40 years, Occu.: Agriculture

All R/o Kopargaon having head
Office of Trust at Kopargaon,
Bet Ta. Kopargaon, Dist. Ahmednagar

.. Appellants
(Orig. Claimants)

VERSUS

- 1] The State of Maharashtra,
Through the Collector,
Ahmednagar
(S.L.A.O. No.9, Ahmednagar)

- 2] The Executive Engineer,
P.W.D. Sangamner,
Tq. Sangamner, Dist. Ahmednagar

.. Respondents

WITH

FIRST APPEAL NO. 1460 OF 2013

- 1] Walmik Narayan Katkade,
Age 58 years, Occu.: Agriculture

- 2] Changdeo Narayan Katkade,
Age 49 years, Occu.: Agriculture

- 3] Anup Walmik Katkade,
Age 28 years, Occu.: Agriculture

- 4] Prasad Changdeo Katkade,
Age 18 years, Occu.: Agriculture

All R/o Kopargaon, Tq. Kopargaon,
District Ahmednagar

- 5] Somnath Pandharinath Shinde,
Age 56 years, Occu.: Agriculture,
R/o Akole, Tq. Akole,
District Ahmednagar

- 6] Sou. Babitai Changdeo Katkade,
Age 46 years, Occu.: Agriculture

R/o Bet, Kopargaon,
Tq. Kopargaon, District Ahmednagar

Through the General Power of Attorney
Holder for all appellants
appellant no.1 Walmik Narayan Katkade,
Age 58 years, Occu.: Agriculture
R/o Bet, Kopargaon,
Tq. Kopargaon, District Ahmednagar

.. Appellants
(Orig. Claimants)

VERSUS

1] The State of Maharashtra,
Through the Collector,
Ahmednagar
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2] The Executive Engineer,
P.W.D. Sangamner,
Tq. Sangamner, Dist. Ahmednagar

.. Respondents

Mr. V.D. Hon, Sr. Advocate i/b. Mr. Ashwin V. Hon, Advocate
for the appellants in both first appeals
Mr. S.M. Jadhav, AGP for the respondent/State

CORAM : M.T. JOSHI, J.

DATE : 21/01/2015

ORAL JUDGEMNT :

1. Heard.

2. **Admit.**

3. With consent of the parties, heard finally.

4. The present appeals are filed by the original claimants for enhancement of the compensation. Their lands of village Kokamthan were acquired by the State

for construction of Nagpur - Mumbai National Highway. The notification under section 4 of the Land Acquisition Act was issued on 21/3/2002.

5. Mr. V.D. Hon, learned Senior Counsel i/b. Mr. A.V. Hon, Advocate for the appellants filed true copy of the common judgment delivered by this Court in First Appeal Nos.2252 of 2012, 2253 of 2012 and 2254 of 2012 dated 16th December, 2013. The same is accepted on record and marked as "X" for the purpose of identification.

6. The reading of the judgment would show that under the same notification, the lands of other agriculturists i.e. the appellants in those first appeals were acquired for the same purposes from the same village. This Court has come to the conclusion that the market price of the lands would be Rs.10,000/- per R. Accordingly, the awards passed by the learned Civil Judge Senior Division were modified.

7. In view of the above facts, similar order is passed in the present appeals also, which runs as under:-

8. The respondents shall jointly and severally pay amount of compensation to the claimants at the rate of Rs.10,000/- per R for their acquired land. The respondents shall also jointly and severally pay to the claimants additional component U/Sect. 23(1-A) and solatium at the rate of 30% under Sec. 23(2) of the Land Acquisition Act and interest as envisaged U/Sec. 28 of the Land Acquisition Act. The award passed by the Reference Court stands modified.

9. Both the first appeals are allowed accordingly with proportionate costs.

[M.T. JOSHI]
JUDGE

arp/