

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.303 OF 2015 with CROSS-OBJECTION ST.NO.23941 OF 2015
FIRST APPEAL NO.304 OF 2015 with CROSS-OBJECTION ST.NO.23953 OF 2015
FIRST APPEAL NO.305 OF 2015 with CROSS-OBJECTION ST.NO.23956 OF 2015
FIRST APPEAL NO.306 OF 2015 with CROSS-OBJECTION ST.NO.23959 OF 2015
FIRST APPEAL NO.307 OF 2015 with CROSS-OBJECTION ST.NO.23963 OF 2015
FIRST APPEAL NO.308 OF 2015 with CROSS-OBJECTION ST.NO.23966 OF 2015
FIRST APPEAL NO.456 OF 2015 with FIRST APPEAL NO.1050 OF 2015

FA NO.303 OF 2015 with Cross-Objection St.No.23941 of 2015

The State of Maharashtra. .. Appellant
Vs

Shri Ismail Mahammadhusain Chaugule,
(Since deceased through his L.Rs.)

1/1. Ibrahim Ismail Chaugule and Others. .. Respondents
—

FA NO.304 OF 2015 with Cross-Objection St.No.23953 of 2015

The State of Maharashtra. .. Appellant
Vs

Shri Vitthal Rama Bhopi,
(Since deceased through his L.Rs.)

1/1. Chandrakant Vitthal Bhopi and Others. .. Respondents
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FA NO.305 OF 2015 with Cross-Objection St.No.23956 of 2015

The State of Maharashtra. .. Appellant
Vs

Shri Raghunath Babu Bhingarkar. .. Respondent
—

FA NO.306 OF 2015 with Cross-Objection St.No.23959 of 2015

The State of Maharashtra.	..	Appellant
Vs		
Shri Raghunath Babu Bhingarkar.	..	Respondent
—		

FA NO.307 OF 2015 with Cross-Objection St.No.23963 of 2015

The State of Maharashtra.	..	Appellant
Vs		
Shri Raghunath Babu Bhingarkar.	..	Respondent
—		

FA NO.308 OF 2015 with Cross-Objection St.No.23966 of 2015

The State of Maharashtra.	..	Appellant
Vs		
Shri Kamalya Narayan Keni, (Since deceased through his L.Rs)		
1/1. Smt. Bugarbai Kamalya Keni and Others.	..	Respondents
—		

FA NO.456 OF 2015

The State of Maharashtra.	..	Appellant
Vs		
Smt. Manjulabai Namdeo Gawand and Others.	..	Respondents
—		

FA NO.1050 OF 2015

Smt. Manjulabai namdeo Gawand and Others.	..	Appellants
Vs		
The State of Maharashtra.	..	Respondent
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Shri A.R. Patil, AGP for the Appellant (except in FA No.1050 of 2015).
 Shri Shriram S. Kulkarni for the Appellants in FA No.1050 of 2015 and
 for the Respondents in rest of the First Appeals.

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CORAM : A.S. OKA & G.S.PATEL, JJ
DATED : 18TH DECEMBER 2015

PC.

1. These Appeals arise out of the References filed under Section 18 of the Land Acquisition Act, 1894 (for short “the said Act of 1894”) before the learned Civil Judge, Senior Division, Raigad at Alibag.

2. The lands subject matter of these Appeals were notified under Sub-section (1) of Section 4 of the said Act of 1894 on 24th September 1986. The purpose of acquisition was setting up a satellite city of Navi Mumbai. The acquired lands are situated at Village Wadghar, Taluka Panvel, District – Raigad.

3. In First Appeal No. 1310 of 2005 (*State of Maharashtra v. Shankar Vitthal Gulave D/h Sangram S. Gulave and Another*) along with other connected First Appeals which were decided by the judgment and order dated 2nd and 6th July 2015, this Court dealt with the Appeals arising out of the References under Section 18 of the said Act of 1894 in relation to the lands in Village Wadghar, Taluka Panvel, District Raigad which were notified for acquisition under the same Notification dated 24th September 1986. The acquisition was for the

same purpose. This Court fixed the market value of the acquired lands @ Rs.1,725/- per sq. metre. Admittedly, the present Appeals will be governed by the said judgment and order dated 2nd and 6th July 2015. The learned AGP states that as per his instructions, as of today, the State Government has not challenged the said judgment and order dated 2nd and 6th July 2015.

4. Hence, the Appeals and the Cross Objections are disposed of by passing the following order:

ORDER :

- (a) First Appeal Nos.303 of 2015 to 308 of 2015 and 456 of 2015 preferred by the State Government are hereby dismissed with no order as to costs;
- (b) First Appeal No.1050 of 2015 and all the cross objections preferred by the original claimants in First Appeal Nos.303 of 2015 to 308 of 2015 are partly allowed. The impugned Judgment and Awards are modified by directing that the claimants will be entitled to the market value in respect of the lands at village Wadghar at the rate of Rs.1725/per sq meter.

In addition to the market value, the claimants will be entitled to statutory benefits under sections 23(1A), 23(2) and section 28 of the Land Acquisition Act, 1894

- (c) The claimants will be entitled to proportionate costs of the References and their appeal as well as cross objections;
- (d) The Reference Court shall carry out the exercise of computing the amount of compensation payable in terms of modified Awards within a period of four months from the date on which the writ of this Judgment is received by the Reference Court along with the Record and Proceedings;
- (e) Before arriving at the final computation of the compensation amount payable in terms of the modified Judgment and Award, the Reference Court shall give an adequate opportunity of being heard to the State of Maharashtra;

- (f) Within a period of four months from the date of adjudication of the amounts payable, the State Government shall deposit the excess amount with the Reference Court;
- (g) The writ of this Judgment along with Record and Proceedings be forwarded to the Reference Court;
- (h) All other pending Civil Applications are disposed of accordingly.

(G.S.PATEL, J)

(A.S. OKA, J)