

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

FIRST APPEAL NO.: 211 OF 2004

1. The Special Land Acquisition Officer (III),
Upper Tapi Project (Hatnur), Jalgaon.
2. The Executive Engineer,
Waghur Project, Jalgaon.

... APPELLANTS
(Ori. Respondents)

VERSUS

Bhagwat Narayan Patil,
Age Major, Occu. Agri.,
R/o. Shingayat, Tq. Jamner,
District Jalgaon.

... RESPONDENT
(Ori. Claimant)

WITH

FIRST APPEAL NO.: 212 OF 2004

1. The Special Land Acquisition Officer (III),
Upper Tapi Project (Hatnur), Jalgaon.
2. The Executive Engineer,
Waghur Project, Jalgaon.

... APPELLANTS
(Ori. Respondents)

VERSUS

Prabhakar Hiralal Bhavsar,
Age Major, Occu. Agri.,
R/o. Shingayat, Tq. Jamner,
District Jalgaon.

... RESPONDENT
(Ori. Claimant)

WITH

FIRST APPEAL NO.: 213 OF 2004

1. The Special Land Acquisition Officer (III),
Upper Tapi Project (Hatnur), Jalgaon.

2. The Executive Engineer,
Waghur Project, Jalgaon.

... APPELLANTS
(Ori. Respondents)

VERSUS

Gayabai w/o Shankar Chaudhari,
Age 60 yrs, Occu. Agri.,
R/o. Shingayat, Tq. Jamner,
District Jalgaon.

... RESPONDENT
(Ori. Claimant)

WITH

FIRST APPEAL NO.: 214 OF 2004

1. The Special Land Acquisition Officer (III),
Upper Tapi Project (Hatnur), Jalgaon.
2. The Executive Engineer,
Waghur Project, Jalgaon.

... APPELLANTS
(Ori. Respondents)

VERSUS

Yeshwant Sitaram Chaudhari,
Age 55 yrs., Occu. Agri.,
R/o. Shingayat, Tq. Jamner,
District Jalgaon.

... RESPONDENT
(Ori. Claimant)

WITH

FIRST APPEAL NO.: 215 OF 2004

1. The Special Land Acquisition Officer (III),
Upper Tapi Project (Hatnur), Jalgaon.
2. The Executive Engineer,
Waghur Project, Jalgaon.

... APPELLANTS
(Ori. Respondents)

VERSUS

Narayan Tukaram Patil,
Age 40 yrs, Occu. Agri.,
R/o. Shingayat, Tq. Jamner,
District Jalgaon.

... RESPONDENT
(Ori. Claimant)

WITH
FIRST APPEAL NO.: 216 OF 2004

1. The Special Land Acquisition Officer (III),
Upper Tapi Project (Hatnur), Jalgaon.
2. The Executive Engineer,
Waghur Project, Jalgaon.

... APPELLANTS
(Ori. Respondents)

VERSUS

Bhagwat Deoram Bhoi,
Age 40 yrs, Occu. Agri.,
R/o. Shingayat, Tq. Jamner,
District Jalgaon.

... RESPONDENT
(Ori. Claimant)

WITH
FIRST APPEAL NO.: 217 OF 2004

1. The Special Land Acquisition Officer (III),
Upper Tapi Project (Hatnur), Jalgaon.
2. The Executive Engineer,
Waghur Project, Jalgaon.

... APPELLANTS
(Ori. Respondents)

VERSUS

Anusayabai w/o Narayan,
Age 45 yrs, Occu. Agri.,
R/o. Shingayat, Tq. Jamner,
District Jalgaon.

... RESPONDENT
(Ori. Claimant)

AND
FIRST APPEAL NO.: 218 OF 2004

1. The Special Land Acquisition Officer (III),
Upper Tapi Project (Hatnur), Jalgaon.
2. The Executive Engineer,
Waghur Project, Jalgaon.

... APPELLANTS
(Ori. Respondents)

VERSUS

Bhaskar Tulshiram Kumbhar,
Age Major, Occu. Agri.,
R/o. Shingayat, Tq. Jamner,
District Jalgaon.

... RESPONDENT
(Ori. Claimant)

...

Mr. S. R. Yadav, AGP for Appellants.
Mr. Mukul Kulkarni, Advocate for Respondents.

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CORAM : **P. R. BORA, J.**

DATE : 01st August, 2016.

ORAL JUDGMENT:

When the present group appeals is taken up for hearing, Shri Kulkarni, learned counsel for the original Claimants in all these appeals brought to the notice of this Court that in the connected appeals arising out of the same acquisition proceeding, the Division Bench of this Court in the case of **Special Land Acquisition Officer (III), Jalgaon and another Vs. Bhagwat Vithal Sonwane**, reported in, **[2009 (4) Mh.L.J. 308]**, has refused to cause interference in the award passed by the Reference Court and has dismissed the appeal filed by the State. The learned counsel pointed out that in the aforesaid decided matter, notification under Section 4 of the Land Acquisition Act was issued on 21st August, 1997, notification under Section 6 was published on 26th February, 1998, whereas the award

under Section 11 of the Act was passed on 18th August, 2000. The learned counsel submitted that in the instant matter also, the dates of issuance of notification under Section 4, under Section 6 and the date of the passing of the award under Section 11 are the same. The learned counsel further pointed out that the land, which was the subject matter of the appeal, which has been decided by the Division Bench of this Court was also of the same village where the lands, which are subject matter in the present appeals are situated. The learned counsel further submitted that in the said matters also, the Reference Court had awarded Rs.4,00,000/- per Hectare for Bagayat land, Rs.2,00,000/- per Hectare for Jirayat land and Rs.1,00,000/- per Hectare for Pot Kharab land. The learned counsel brought to my notice that similar rates are awarded in the awards, which are impugned in the present appeals.

2 The facts so narrated as above by the learned counsel for the original Claimants have not been disputed by learned AGP appearing for the Appellants in all these matters. Though it was sought to be canvassed by the learned AGP that in the present appeals, the compensation awarded for tress separately may be a debatable issue since the said issue was not for consideration in the cited judgment, in view of the discussion made in para 13 of the

aforesaid judgment, the contention so raised also appears to be unsustainable. Moreover, in the instant group of appeals, only in two cases, the compensation has been awarded separately for the trees. Significantly in the award under Section 11 of the Act the SLAO has offered separate compensation for trees by mentioning the number of trees in the respective lands.

3 Considering the facts as aforesaid and more particularly taking into account that the Division Bench of this Court has confirmed the award passed by the Reference Court in the case of **Special Land Acquisition Officer (III), Jalgaon and another Vs. Bhagwat Vithal Sonwane** (supra) pertaining to the land from same village and acquired for the same project, I do not see any reason to take any contrary view. The present appeals, therefore, deserve to be dismissed for the reasons assigned by the Division Bench of this Court in the aforesaid judgment. Hence the following order :

ORDER

- I. The present appeals stand dismissed for the reasons stated by the Division Bench of this Court in the case of **Special Land Acquisition Officer (III), Jalgaon and**

another Vs. Bhagwat Vithal Sonwane,

reported in, **[2009 (4) Mh.L.J. 308]**.

However, in the circumstances of the case, no order as to the costs.

- II. The original Claimants in all the aforesaid appeals are permitted to withdraw the amount of compensation, if any, deposited by the Appellants in this Court and if the same is already not withdrawn.

[P. R. BORA, J.]

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