

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

(1) FIRST APPEAL NO.3306 OF 2016

Vinayak Ankushrao Chaval
Age: Major, Occu: Agri,
R/o. Village Wanjola,
Tq. Mantha, Dist. Jalna.

= **APPELLANT**
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
through the Collector, Jalna
having his office at Collector
office, Jalna
- 2) The Special Land Acquisition
Officer, M.I.W. Jalna,
Having his office at
Collector office, Jalna
- 3) The Executive Engineer,
Lower Dudhana Project Division,
Selu, District Parbhani,
Since, this department is
abolished at present Jalna
Irrigation Department, Jalna,
Office at Motibagh, Jalna,
Tq. and Dist. Jalna.

= **RESPONDENTS**
(Orig. Respondents)

WITH

(2) FIRST APPEAL STAMP NO.4062 OF 2014

Ramkishan Dadarao Ghodke,
Age: 58 years, Occu: Agriculture,
R/o. Village Wanjola,
Tq. Mantha, Dist. Jalna.

= **APPELLANT**
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra

Through the Collector, Jalna
having his office at Collector
office, Jalna,

- 2) The Special Land Acquisition
Officer, M.I.W. Jalna, Having
his office at Collector office,
Jalna,
- 3) The Executive Engineer,
Nimna Dudhna Project,
Having his office at Selu,
Tq. Selu, Dist. Parbhani. = **RESPONDENTS**
(Orig. Respondents)

WITH

(3) FIRST APPEAL STAMP NO.3228 OF 2014

Achut Rangnath Chaval,
Age: 65 years, Occu: Agriculture,
R/o. Village Wanjola,
Tq. Mantha, Dist. Jalna = **APPELLANT**
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the Collector, Jalna
having his office at Collector
office, Jalna,
- 2) The Special Land Acquisition
Officer, M.I.W. Jalna, Having
his office at Collector office,
Jalna,
- 3) The Executive Engineer,
Nimna Dudhna Project,
Having his office at Selu,
Tq. Selu, Dist. Parbhani. = **RESPONDENTS**
(Orig. Respondents)

WITH

(4) FIRST APPEAL STAMP NO.2214 OF 2014

Manohar Mokindrao Kapse
(Died through legal heir)

Indubai Manohar Kapse,
Age: 45 years, Occ: Agriculture,
R/o. Village Wanjola,
Tq. Mantha, Dist. Jalna

= **APPELLANT**
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the Collector, Jalna
having his office at Collector
office, Jalna,
- 2) The Special Land Acquisition
Officer, M.I.W. Jalna, Having
his office at Collector office,
Jalna,
- 3) The Executive Engineer,
Nimna Dudhna Project,
Having his office at Selu,
Tq. Selu, Dist. Parbhani.

= **RESPONDENTS**
(Orig. Respondents)

WITH

(5) FIRST APPEAL STAMP NO.2222 OF 2014

Datta Jijabhau Chavan,
Age:38 years, Occu: Agriculture,
R/o. Village Wanjola,
Tq. Mantha, Dist. Jalna.

= **APPELLANT**
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the Collector, Jalna
having his office at Collector
office, Jalna,
- 2) The Special Land Acquisition
Officer, M.I.W. Jalna, Having
his office at Collector office,
Jalna,
- 3) The Executive Engineer,
Nimna Dudhna Project,
Having his office at Selu,

Tq. Selu, Dist. Parbhani. = **RESPONDENTS**
(Orig. Respondents)

WITH

(6) FIRST APPEAL STAMP NO.2216 OF 2014

Chaburao Sopanrao Chavan
Age: 45 years, Occu: Agriculture,
R/o. Village Wanjola,
Tq. Mantha, Dist. Jalna = **APPELLANT**
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the Collector, Jalna
having his office at Collector
office, Jalna,
- 2) The Special Land Acquisition
Officer, M.I.W. Jalna, Having
his office at Collector office,
Jalna,
- 3) The Executive Engineer,
Nimna Dudhna Project,
Having his office at Selu,
Tq. Selu, Dist. Parbhani. = **RESPONDENTS**
(Orig. Respondents)

WITH

(7) FIRST APPEAL STAMP NO.2228 OF 2014

Vilas Vithalrao Chaval
Age: 32 years, Occu: Agriculture,
R/o. Village Wanjola,
Tq. Mantha, Dist. Jalna. = **APPELLANT**
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the Collector, Jalna
having his office at Collector
office, Jalna,
- 2) The Special Land Acquisition

Officer, M.I.W. Jalna, Having
his office at Collector office,
Jalna,

- 3) The Executive Engineer,
Nimna Dudhna Project,
Having his office at Selu,
Tq. Selu, Dist. Parbhani. = **RESPONDENTS**
(Orig. Respondents)

WITH

(8) FIRST APPEAL STAMP NO.2218 OF 2014

Chandrabhagabai Laxman Malchimne
Age: 50 years, Occu: Agriculture,
R/o. Village Wanjola,
Tq. Mantha, Dist. Jalna. = **APPELLANT**
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the Collector, Jalna
having his office at Collector
office, Jalna,
- 2) The Special Land Acquisition
Officer, M.I.W. Jalna, Having
his office at Collector office,
Jalna,
- 3) The Executive Engineer,
Nimna Dudhna Project,
Having his office at Selu,
Tq. Selu, Dist. Parbhani. = **RESPONDENTS**
(Orig. Respondents)

WITH

(9) FIRST APPEAL STAMP NO.4059 OF 2014

Dilip Sopanrao Chavan
Age: 48 years, Occu: Agriculture,
R/o. Village Wanjola,
Tq. Mantha, Dist. Jalna. = **APPELLANT**
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the Collector, Jalna
having his office at Collector
office, Jalna,
- 2) The Special Land Acquisition
Officer, M.I.W. Jalna, Having
his office at Collector office,
Jalna,
- 3) The Executive Engineer,
Nimna Dudhna Project,
Having his office at Selu,
Tq. Selu, Dist. Parbhani. = **RESPONDENTS**
(Orig. Respondents)

WITH**(10) FIRST APPEAL STAMP NO.2220 OF 2014**

Dhondiba Manikrao Chaval,
Age: 48 years, Occu: Agriculture,
R/o. Village Wanjola,
Tq. Mantha, Dist. Jalna = **APPELLANT**
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the Collector, Jalna
having his office at Collector
office, Jalna,
- 2) The Special Land Acquisition
Officer, M.I.W. Jalna, Having
his office at Collector office,
Jalna,
- 3) The Executive Engineer,
Nimna Dudhna Project3306,
Having his office at Selu,
Tq. Selu, Dist. Parbhani. = **RESPONDENTS**
(Orig. Respondents)

WITH

(11) FIRST APPEAL STAMP NO.6082 OF 2014

Sarjerao Tukaram Chaval
(Died through L.Rs.)

- 1) Shivkanya Sarjerao Chaval
- 2) Rahul Sarjerao Chaval
- 3) Rajesh Sarjerao Chaval
- 4) Rohit Sarjerao Chaval

All above Appellants,

Age: Major, Occu: Agriculture,

R/o. Village Wanjola, Tq. Mantha,

Dist. Jalna.

= **APPELLANT**

(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the Collector, Jalna
having his office at Collector
office, Jalna,
- 2) The Special Land Acquisition
Officer, M.I.W. Jalna, Having
his office at Collector office,
Jalna,
- 3) The Executive Engineer,
Nimna Dudhna Project,
Having his office at Selu,
Tq. Selu, Dist. Parbhani.

= **RESPONDENTS**

(Orig. Respondents)

Mr. D.M. Kakde, Advocate for Appellants;

Mr. SP Deshmukh and AM Phule AGPs for Respondent
Nos.1 & 2 ;

Mr. Ruturaj C. Patil, Adv.for Resp.No.3.

CORAM : P.R.BORA, J.

DATE : 15th September, 2016.

JUDGMENT :

1) With the consent of leaned Counsel for the parties, the present appeals are heard finally at admission stage.

2) The present appeals can be disposed of in view of the judgment delivered by this court (Coram: S.V.Gangapurwala,J.) on 14th October, 2015 in First Appeal No. 2561/2015 with connected appeals and the subsequent common judgment delivered by this Court on 1st September, 2016 in First Appeal No.2783 of 2016 with connected appeals.

3) The lands, which were the subject matter of the aforesaid decided appeals were acquired for Lower Dudhana Project and also were from village Wanjola, Tq. Mantha, District Jalna. The said lands were acquired vide notification under Section 4 of the Land Acquisition Act, 1894 (for

short, the Act) published in the Government Gazette on 13th July, 1995 and the Award under Section 11 of the Act in relation to the aforesaid lands was passed on 31st March, 1999. The lands which are the subject matter of the present appeals are admittedly from village Wanjola, Tq. Mantha District Jalna and are acquired for the same Lower Dudhana Project, vide the same notification dated 13th July, 1995 under Section 4 of the Act and the Awards under Section 11 of the Act pertaining to these lands is also of the same date, i.e. 31st March, 1999.

4) In the aforesaid circumstances, the amount of compensation can be similarly enhanced by determining the market value of the lands involved in the present appeals at the same rate, as has been determined in the aforesaid decided appeals by this court.

5) It has to be stated that this Court in the aforesaid decided appeals has determined the market value of the non-irrigated lands @

Rs.1500/- per Are; Rs.1800/- per Are for semi-irrigated land; whereas of the irrigated land @ Rs.2100/- per Are. It need not be stated that the market value of the pot-kharab land shall be determined at half of the value given for the non-irrigate land, i.e. @ Rs. 750/- per Are.

6) It has to be noted that delay had occurred in filing the present appeals by the original claimants. It has to be further noted that all the appellants – original claimants have filed undertakings in the present appeals to the effect that in the event of enhancement in the amount of compensation, they will not claim any interest of the period of delay committed by them in filing the appeals. In view of the undertakings so given by the appellants, the applications for condonation of delay have been allowed by this court and in the order passed below the said applications for condonation of delay, it has been clarified that the appellants – original claimant will not be entitled for

interest of the period of delay in the event of their success in the appeals.

7) In view of the above, following order, -

ORDER

i) The market value of the lands, which are the subject matter of the present appeals, is determined @ Rs.1500/- per Are for non-irrigated lands; @ Rs.1800/- per Are for semi-irrigated lands; @ Rs.2100/- per Are for irrigated lands and @ Rs.750/- per Are for pot-kharab lands. The amount of compensation shall be enhanced accordingly;

ii) The appellants are entitled for the statutory benefits and the interest, as envisaged under the provisions of the Act on the enhanced amount of compensation.

. It is clarified that while determining the amount of compensation and the interest thereupon, it shall be ensured that no interest is made payable of the period of delay committed by the appellants in filing the present

appeals;

iii) The appellants shall deposit deficit court fees, if any.

iv) After depositing the deficit court fees, modified award be prepared;

v) The First Appeals stand allowed in the aforesaid terms.

(P. R. BORA)
JUDGE

title – Kodgire
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