

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.2089 OF 2014

- 1) Manohar Narayan Patil,
Age-43 years, Occu:Agri.,
- 2) Ratnabai Raghunath Dhangar,
Age-50 years, Occu:Housewife,
- 3) Ramesh Tulshiram Patil,
Age-52 years, Occu:Agri.,
- 4) Nanu Ramdas Dhangar,
Age-55 years, Occu:Agri.,
- 5) Gulab Sitaram Patil,
Age- 48 years, Occu:Agri.,
- 6) Dangal Sahebrao Patil,
Age- 52 years, Occu:Agri.,
- 7) Amrut Waman Patil,
Age- 53 years, Occu:Agri.,
- 8) Pundlik Daga Shirsath,
Age- 65 years, Occu:Agri.,
- 9) Bharat Daga Shirsath,
Age- 60 years, Occu:Agri.,
- 10) Supadu Bajirao Shirsath,
Age- 60 years, Occu:Agri.,
- 11) Vijay Dinkar Patil,
Age- 22 years, Occu:Agri.,

- 12) Dodhu Pandurang Patil,
Age- 70 years, Occu:Agri.,
- 13) Kishor Balwant Dhangar,
Age- 35 years, Occu:Agri.,
- 14) Sandip Madhavrao Patil,
Age- 52 years, Occu:Agri.,
- 15) Dagadu Rajaram Patil,
Age- 80 years, Occu:Agri.,
- 16) Gopal Laxman Shirsath,
Age- 55 years, Occu:Agri.,
- 17) Subhash Yadav Patil,
Age- 55 years, Occu:Agri.,
- 18) Sanjay Vasant Patil,
Age- 50 years, Occu:Agri.,
- 19) Suresh Bhagwan Patil,
Age- 60 years, Occu:Agri.,
- 20) Rajendra Bhatu Patil,
Age- 40 years, Occu:Agri.,
- 21) Bharat Gulabrao Patil,
Age- 42 years, Occu:Agri.,
- 22) Shivaji Baburao Patil,
Age- 65 years, Occu:Agri.,
- 23) Prakash Baburao Patil,
Age- 60 years, Occu:Agri.,
- 24) Chudaman Raman Dhangar,
Age- 40 years, Occu:Agri.,
- 25) Ashok Jagannath Dhangar,
Age- 60 years, Occu:Agri.,

- 26) Uttam Julal Patil,
Age- 65 years, Occu:Agri.,
- 27) Budhmal Rajaram Borse,
Age- 70 years, Occu:Agri.,
- 28) Chandrashekhar Baburao Patil,
Age- 42 years, Occu:Agri.,
- 29) Suresh Punju Bhil,
Age- 50 years, Occu:Agri.,
- 30) Ravindra Vanji Dhangar,
Age- 48 years, Occu:Agri.,
- 31) Narayan Ramchandra Patil,
Age- 65 years, Occu:Agri.,
- 32) Subhash Baburao Patil,
Age- 50 years, Occu:Agri.,
- 33) Bhadu Julal Dhangar,
Age- 65 years, Occu:Agri.,
- 34) Sanjay Dattu Dhangar,
Age- 45 years, Occu:Agri.,
- 35) Eknath Vanji Dhangar,
Age- 44 years, Occu:Agri.,
- 36) Jijabrao Narayan Patil,
Age- 45 years, Occu:Agri.,
- 37) Shivaji Zipru Harpe,
Age- 65 years, Occu:Agri.,
- 38) Mahendra Himmat Patil,
Age- 41 years, Occu:Agri.,

- 39) Bhaskar Arjun Patil,
Age- 55 years, Occu:Agri.,
- 40) Shalik Vanji Patil,
Age- 65 years, Occu:Agri.,
- 41) Chabilal Bhivsan Patil,
Age- 48 years, Occu:Agri.,
- 42) Bhalerao Namdeo Patil,
Age- 52 years, Occu:Agri.,
- 43) Dhanraj Bansilal Dhangar,
Age- 55 years, Occu:Agri.,
- 44) Yuvraj Arjun Patil,
Age- 68 years, Occu:Agri.,
- 45) Mathurabai Ananda Patil,
Age- 70 years, Occu: Housewife.,
- 46) Rajendra Balkrushna Patil,
Age- 42 years, Occu:Agri.,
- 47) Kailas Vanji Dhangar,
Age- 41 years, Occu:Agri.,
- 48) Chandrakant Gulab Patil,
Age- 45 years, Occu:Agri.,
- 49) Subhash Santosh Patil,
Age- 48 years, Occu:Agri.,
- 50) Sudhakar Jagannath Dhangar,
Age- 56 years, Occu:Agri.,
- 51) Daulat Jagannath Dhangar,
Age- 58 years, Occu:Agri.,
- 52) Ganesh Raman Dhangar,
Age- 33 years, Occu:Agri.,

- 53) Abhiman Hiranman Nhavi,
Age- 36 years, Occu:Agri.,
- 54) Mathurabai Raman Dhangar,
Age- 55 years, Occu: Housewife.,
- 55) Ashok Girdhar Borse,
Age- 44 years, Occu:Agri.,
- 56) Sambhaji Bomtu Koli,
Age- 40 years, Occu:Agri.,
- 57) Raghunath Sada Nhavi,
Age- 60 years, Occu:Agri.,
- 58) Sajan Kisan Koli,
Age- 52 years, Occu:Agri.,
- 59) Subhash Shivaji Dhangar,
Age- 48 years, Occu:Agri.,
- 60) Ashok Shantaram Patil,
Age- 55 years, Occu:Agri.,
- 61) Chhagan Vanji Dhangar,
Age- 44 years, Occu:Agri.,
- 62) Vaijantabai Dattu Dhangar,
Age- 68 years, Occu:Agri.,
- 63) Sumanbai Bansilal Dhangar,
Age- 65 years, Occu:Agri.,
- 64) Ramsing Arjun Patil,
Age- 75 years, Occu:Agri.,
- 65) Ramlal Shivaji Dhangar,
Age- 45 years, Occu:Agri.,

- 66) Vilas Tulshiram Patil,
Age- 43 years, Occu:Agri.,
- 67) Rukhmabai Ravan Patil,
Age- 70 years, Occu:Housewife.,
- 68) Khandu Sada Nhavi,
Age- 68 years, Occu:Agri.,
- 69) Sanjay Dhondu Patil,
Age- 33 years, Occu:Agri.,
- 70) Rajmal Dhondu Patil,
Age- 35 years, Occu:Agri.,
- 71) Ravindra Ramkrushna Patil,
Age- 30 years, Occu:Agri.,
- 72) Sanjay Atmaram Patil,
Age- 45 years, Occu:Agri.,
- 73) Sitaram Atmaram Patil,
Age- 47 years, Occu:Agri.,
- 74) Sindhubai Namdeo Patil,
Age- 60 years, Occu:Housewife.,
- 75) Ankush Jivan Koli,
Age- 42 years, Occu:Agri.,
- 76) Bharat Jivan Koli,
Age- 40 years, Occu:Agri.,
- 77) Pandit Chintaman Sutar,
Age- 50 years, Occu:Agri.,
- 78) Dilip Suklal Dhangar,
Age- 50 years, Occu:Agri.,
- 79) Sarjabai Barku Shirsath,
Age- 66 years, Occu:Housewife.,

- 80) Santosh Rohidas Shirsath,
Age- 45 years, Occu:Agri.,
- 81) Ashok Ananda Shirsath,
Age- 50 years, Occu:Agri.,
- 82) Nana Ananda Shirsath,
Age- 48 years, Occu:Agri.,
- 83) Dinesh Namdeo Shirsath,
Age- 40 years, Occu:Agri.,
- 84) Damu Isan Shirsath,
Age- 52 years, Occu:Agri.,
- 85) Prakash Sahebrao Shirsath,
Age- 50 years, Occu:Agri.,
- 86) Ramesh Sahebrao Shirsath,
Age- 52 years, Occu:Agri.,
- 87) Bhagwat Ragho Shirsath,
Age- 52 years, Occu:Agri.,
- 88) Dilip Ragho Shirsath,
Age- 51 years, Occu:Agri.,
- 89) Bhagwan Ragho Shirsath,
Age- 54 years, Occu:Agri.,
- 90) Sukhdeo Kautik Shirsath,
Age- 70 years, Occu:Agri.,
- 91) Sukhdeo Atmaram Patil,
Age- 50 years, Occu:Agri.,
- 92) Shamkant Vishwas Borse,
Age- 40 years, Occu:Agri.,

- 93) Duryodhan Tulshiram Patil,
Age- 55 years, Occu:Agri.,
- 94) Vijay Vishwas Borse,
Age- 35 years, Occu:Agri.,
- 95) Dnyaneshwar Pundlik Dhangar,
Age- 32 years, Occu:Agri.,
- 96) Eknath Bangar Patil,
Age- 55 years, Occu:Agri.,
- 97) Ashok Abhiman Patil,
Age- 40 years, Occu:Agri.,
- 98) Dnyaneshwar Ravan Koli,
Age- 40 years, Occu:Agri.,
- 99) Ratilal Natthu Patil,
Age- 70 years, Occu:Agri.,
- 100) Bhika Bhagwan Dhangar,
Age- 48 years, Occu:Agri.,
- 101) Anjanabai Dharma Shirsath ,
Age- 50 years, Occu:Housewife.,
- 102) Kalabai Bhimrao Patil,
Age- 68 years, Occu:Agri.,
- 103) Subhash Gopal Shirsath,
Age- 37 years, Occu:Agri.,
- 104) Dilip Daulat Patil,
Age- 52 years, Occu:Agri.,
- 105) Mangalabai Dilip Patil,
Age- 40 years, Occu:Housewife.,
- 106) Rajendra Jagannath Dhangar,
Age- 45 years, Occu:Agri.,

- 107) Shankar Motiram Patil,
Age- 75 years, Occu:Agri.,
- 108) Gokul Bhoju Patil,
Age- 48 years, Occu:Agri.,
- 109) Pandit Chintaman Dhangar,
Age- 55 years, Occu:Agri.,
- 110) Indubai Shriram Patil,
Age- 68 years, Occu:Housewife.,
- 111) Divan Khandu Patil,
Age- 55 years, Occu:Agri.,
- 112) Naval Kalu Dhangar,
Age- 49 years, Occu:Agri.,
- 113) Ajoba Shankar Shirsath,
Age- 60 years, Occu:Agri.,
- 114) Bhikubai Tulshiram Patil,
Age- 68 years, Occu:Agri.,
- 115) Yashwant Natu Patil,
Age- 65 years, Occu:Agri.,
- 116) Channu Laxman Shirsath,
Age- 58 years, Occu:Agri.,
- 117) Subhash Suklal Sapkale,
Age- 47 years, Occu:Agri.,
- 118) Balu Suklal Sapkale,
Age- 45 years, Occu:Agri.,
- 119) Ratilal Suklal Sapkale,
Age- 49 years, Occu:Agri.,

- 120) Vitthal Suklal Sapkale,
Age- 43 years, Occu:Agri.,
- 121) Ashok Gangaram Sapkale,
Age- 48 years, Occu:Agri.,
- 122) Gangaram Bhavdu Kumbhar,
Age- 68 years, Occu:Agri.,
- 123) Devidas Gulab Patil,
Age- 35 years, Occu:Agri.,
- 124) Vilas Shivaji Shirsath,
Age- 40 years, Occu:Agri.,
- 125) Dilip Gambhir Patil,
Age- 45 years, Occu:Agri.,
- 126) Subhash Abhiman Patil,
Age- 40 years, Occu:Agri.,
- 127) Babulal Ramdas Patil,
Age- 69 years, Occu:Agri.,
- 128) Uttam Pandit Patil,
Age- 56 years, Occu:Agri.,
- 129) Vimalbai Dhanraj Patil,
Age- 65 years, Occu:Housewife.,
- 130) Shivaji Namdeo Patil,
Age- 45 years, Occu:Agri.,
- 131) Ratilal Deoram Patil,
Age- 52 years, Occu:Agri.,
- 132) Santosh Jagannath Patil,
Age- 46 years, Occu:Agri.,
- 133) Rajendra Kashinath Patil,
Age- 46 years, Occu:Agri.,

134) Rahul Dhanraj Patil,
Age- 22 years, Occu:Agri.,

All: R/o. Vichkheda, Tq. Chopda
Dist. Jalgaon.

...PETITIONERS

VERSUS

- 1) The State of Maharashtra,
Through: The Secretary,
Department of Revenue and Forest,
Mantralaya, Mumbai,
- 2) The District Collector,
Jalgaon, Dist-Jalgaon,
- 3) The Special Land Acquisition Officer,
Upper Tapi Prkalp, Hatnoor-1,
Jalgaon, Dist-Jalgaon,
- 4) The Executive Engineer,
Hatnoor Kalva, Division Chopda,
Dist-Jalgaon.

...RESPONDENTS

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Mr.Vijay B. Patil Advocate for Petitioners.
Mr.B.V. Virdhe, A.G.P. for Respondent
Nos. 1 to 3.
Respondent No.4 served.

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**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 1ST MARCH, 2016

ORAL JUDGMENT [PER R.M. BORDE, J.] :

1. Heard. Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties, the Petition is taken up for final disposal at admissions stage.

2. The Petitioners are praying for issuance of directions to the Respondents to determine the compensation receivable by the Petitioners in respect of the acquisition of the landed property in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act of 2013).

3. The Petitioners contend that agricultural lands belonging to them have been acquired for Padalse Medium Project. The award was declared by the Special Land Acquisition Officer determining

the amount of compensation on 2nd June 2013. Although the award was declared in the year 2013, until the enforcement of the Act of 2013 i.e. on 1st January 2014, none of the claimants have received the amount of compensation. According to the Petitioners, there are 182 claimants whose lands have been acquired by the State for the aforesaid project, however 173 claimants were paid compensation on 15th May 2014 i.e. after the enforcement of Act of 2013. In view of Proviso to Sub Section 2 of Section 24 of the Act of 2013, if majority of the land holders have not been paid the amount of compensation, the Respondents shall have to determine the amount in accordance with the Act of 2013. Proviso to Sub Section 2 of Section 24 of the Act of 2013 reads thus:

"Provided that where an 'award' has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all

beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act."

4. In the instant matter, the Petitioners are not entitled to claim declaration of lapsing of award in view of Section 24(2) of the Act of 2013. However, since majority of the land holders were not paid compensation on the date of enforcement of Act of 2013 i.e. 1st January 2014, the Respondents shall have to determine the amount of compensation payable to the claimants in accordance with the new Enactment i.e. Act of 2013.

5. In identical situation, in Writ Petition No.2390 of 2015 (Dilip Narayan Chaudhari and others vs. The State of Maharashtra and others), decided on 21st September 2015, this Court has

issued directions to Respondents to re-determine the amount of compensation in accordance with the Act of 2013 and to pay the same to the Petitioners therein.

6. For the reasons recorded above, the Writ Petition deserves to be allowed and the same is accordingly allowed. The Respondents are directed to determine the amount of compensation payable to the Petitioners in respect of the acquired property, in accordance with the the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The amount shall be determined within period of SIX MONTHS from today and the same shall be paid to the Petitioners within FOUR MONTHS from the date of determination. The amount already received by the Petitioners and other claimants shall be considered while paying the amount of compensation arrived at in accordance with the determination under the Act of 2013.

7. Rule is accordingly made absolute in above terms. There shall be no order as to costs.

[A.I.S. CHEEMA, J.]

asb/MAR16

[R.M. BORDE, J.]