

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 589 OF 2016

BHAGWAN SHANKARRAO CHAVAL (DIED THRO. LRS.) LAXMIBAI
BHAGWANRAO CHAVAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Appellants : Mr. Kakade Deepak M.
AGP for Respondents 1 and 2: Mr. K.D. Mundhe
Advocate for Respondent No.3 : Mr. B.R. Survase
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CORAM : V. K. JADHAV, J.
DATED : 27th APRIL, 2016

PER COURT:-

1. Heard learned counsel for respective parties.
2. This first appeal arises out of one and the same land acquisition proceedings, where under the lands of village Wanjola, Tq. Mantha, District Jalna were acquired for the purpose of construction of lower Dudhna project.
3. Learned counsel for the appellants has placed on record a copy of judgment dated 14.10.2015 delivered by this Court (Coram: S.V. Gangapurwala, J.) in first appeal No. 2561 of 2015 and other connected appeals. Learned counsel for the appellants submits that present appeal arises out of same acquisition proceedings and the lands of the present appellants were situated in the vicinity, where

the lands of the appellants in first appeal No. 2561 of 2015 and the appellants in other connected appeals, were situated. The learned counsel for respective respondents fairly concedes this position.

4. In the light of above and for the reasons recorded in the judgment dated 14.10.2015, delivered by this Court in first appeal No. 2561 of 2015 and other connected appeals, I proceed to pass the following order:-

O R D E R

- I. The first appeal is partly allowed.
- II. The judgment and award passed by the Reference Court is modified to the extent that the respondents are jointly and severally liable to pay compensation to the appellants at the rate of Rs.1,500/- per R for Jirayat lands, Rs.1,800/- per R for seasonally irrigated lands and Rs.2,100/- per R for perennially irrigated lands, as categorized by the Reference Court in the award.
- III. The rest of the statutory benefits awarded by the Reference Court are upheld and maintained.

- VI. The appellants shall not be entitled for the statutory benefits in respect of the delayed period while filing appeal.
- V. In the event the appellants have paid less court fees, then the appellants shall pay the deficit court fees accordingly.
- VI. Award be drawn up in tune with the modified award.
- VII. With these directions, the first appeal stands disposed of.

(V. K. JADHAV, J.)

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