

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

923 FAST/37918/2015

SADASHIV TUKARAM KAVALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

WITH

**FAST/38187/2015,
FAST/38182/2015, FAST/38177/2015,
FAST/38166/2015**

...

924 FAST/37924/2015

SAHEBRAO PARAJI CHAVAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

WITH

**FAST/38154/2015,
FAST/38151/2015**

WITH

FAST/38156/2015

...

925 FAST/37902/2015

SOPANRAO BABURAO CHAVAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

WITH

FAST/38142/2015

...

926 FAST/32223/2015

KISHOR SAMPATRAO CHAVAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr D M Kakade
AGP for Respondents: Mr S R Yadav
Advocate for Respondents -Acquiring Body: Mr R C Patil

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CORAM : V.K. JADHAV, J.

Dated: June 16, 2016

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PER COUR :

1. All these appeals are in respect of the Land Acquisition References decided by the Reference Court on 13.7.1995, wherein the lands are acquired vide notification U/Sec. 4 of the Land Acquisition Act (for short "L. A. Act"). The lands which were acquired for the purpose of lower Dudhna project are from village Wanjola, Tq. Mantha District Jalna. Reference Court has partly allowed the references. The present appeals are filed by original claimants for enhancement of compensation amount, as granted by the reference Court.

2. Mr Kakade, learned counsel for the appellants draws my attention to the judgment and order passed by the learned Single Judge of this Court on 14th October 2015, in a batch of First Appeal bearing

Nos.2561 of 2015 and companion appeals and submits that the sale instances in the present matters are the same, as are relied on in aforesaid judgment. Even the lands acquired are also for the same project and from the same village and under the same notification issued under Section 4 of the L. A. Act. As such, to avoid repetition of facts, it would be appropriate to decide all these appeals by a common judgment.

3. In the aforesaid judgment, the learned Single Judge of this Court has placed reliance on a decision of Division Bench of this Court dated 1st March 2007 in Civil Application No.3346 of 2005 in First Appeal Stamp No.25415 of 2003 with other companion appeals, wherein the Division Bench of this Court has approved and confirmed the rate at which compensation was granted by the reference Court viz. Rs.1,500/- per Aar for jirayat land, Rs.1,800/- per Aar for seasonally irrigated land and Rs.2,100/- per Aar for perennially irrigated land. Based on the same, learned Single Judge also granted compensation at aforesaid rates to the claimants in First Appeal No.2561 of 2015 and in

companion appeals.

4. Having regard to aforesaid judgments of the Division Bench and the learned Single Judge of this Court, I deem it appropriate to enhance the compensation granted by reference Court to the claimants in the present appeals. As such, the appellants/original claimants are entitled to compensation at the rate of Rs.1,500/- per Aar for as far as jirayat land is concerned, Rs.1,800/- per Aar for seasonally irrigated land and Rs.2,100/- per Aar as regards perennially irrigated land, respectively which would also be proper having regard to noble principle of parity.

5. Considering the above, the appeals are partly allowed. 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 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. The rest of the statutory benefits awarded by the Reference Court are upheld and maintained.

6. The appellants shall not be entitled for the statutory benefits in respect of the delayed period while filing appeals. In the event the appellants have paid less court fees, then the appellants shall pay the deficit court fees accordingly.

(V.K. JADHAV, J.)

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