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

FIRST APPEAL (STAMP) NO.:8757 OF 2017

ANANDA NARAYAN PATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-2, UPPER TAPI PROJECT, HATNUR, JALGAON AND ANOTHER

WITH

FIRST APPEAL (STAMP) NO.:1683 OF 2017

JAIRAM TUKARAM CHOUDHARI (PATIL)
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-2, UPPER TAPI PROJECT, HATNUR, JALGAON AND ANOTHER

WITH

FIRST APPEAL (STAMP) NO.:1680 OF 2017

HARI KHANDU KAKADE
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-2, UPPER TAPI PROJECT, HATNUR, JALGAON AND ANOTHER

AND

FIRST APPEAL (STAMP) NO.:1673 OF 2017

SHRIRAM JAIRAM PATIL CHAUDHARI AND ANOTHER
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-2, UPPER TAPI PROJECT, HATNUR, JALGAON AND ANOTHER

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Mr. Hemraj P. Kshirsagar, Advocate for Appellants.
Mr. A. M. Phule, A.G.P. for Respondent.

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CORAM : **V. K. JADHAV, J.**
DATE : 05th May, 2017.

<u>ORDER</u>:

1. All these appeals deal with acquisition of the house properties of the claimants on account of submergence of area under Waghur Dam.

2. A group of First Appeals bearing First Appeal No.3060 of 2013 with connected First Appeals came to be disposed of by this Court (Coram:S.V.Gangapurwala, J.) vide judgment and order dated 19/12/2013, thereby upholding the valuation made by the Reference Court in respect of the land at Rs.600/- per R, however, had granted enhancement of compensation in respect of the structures, wherein the Valuer's report was considered by this Court and had deducted 10% from the said Valuer's report. In para 7, 8 and 9, it was observed as under :

> *"7. The Court has appreciated the evidence on record and had come to the conclusion that he accepts the valuation report. But then no reason is given for deducting the amount in some of the matters up to 60% to 75% and in majority of matters 25%.*
>
> *8. There may be some error. To work out the said margin of error, some deduction would be permissible from the amount as suggested by the Valuer. Considering the fact that. the properties acquired are lands and small houses the margin of error would also be less.*
>
> *9. In the light of the above, it would be appropriate to deduct 10% from the valuation as shown by the expert.*

3. In a group of First Appeals bearing First Appeal No.2745/2015 with connected First Appeals, this Court (Coram : S.V. Gangapurwala, J.), vide

judgment and order dated 21/10/2015, disposed of the said Appeals arising out of the same project and the judgment and award passed by the Reference Court in the light of the observations made earlier as referred in para No.2 of this order, bearing First Appeal No.3060/2013 with connected First Appeals.

4. In light of the above, I pass the following order :

(i) The claimants in all these appeals would be entitled for the compensation of the acquired land at the rate of Rs.600/- per square meter for open piece of land as given by the Reference Court and for house properties acquired as per the chart given below along with the statutory benefits as awarded by the Reference Court.

Sr. No.	Name of the parties	First Appeal Stamp No.	L.A.R. No.	10% deduction (Rs.)
1.	Ananda Narayan Patil Vs. The Special land Acquisition Officer and another	8757/2017	606/2005	6,260/-
2.	Jairam Tukaram Chaudhari (Patil) Vs. The Special land Acquisition Officer and another	1683/2017	610/2005	5,324/-
3.	Hari Khandu Kakade Vs. The Special land Acquisition Officer and another	1680/2017	666/2005	3,300/-
4.	Shriram Jairam Patil Chaudhari and another Vs. The Special land Acquisition Officer and another	1673/2017	612/2005	4,890/-

(ii) The respondents shall pay the compensation amount to the claimants as per the above chart in respect of the house properties and at a rate of Rs.600/- per square meter for open land along with all statutory benefits as held by the Reference Court.

(iii) In respect of enhanced compensation amount, the claimants would not be entitled for the interest on the enhanced compensation amount for the delayed period as per the undertaking given by them.

(iv) First Appeals stand partly allowed, however, with no order as to costs.

[V. K. JADHAV, J.]

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