

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 35 OF 2003

Maharashtra Industrial Development
Corporation
Through its Regional officer
M.I.D.C. Nashik

...Appellant

versus

1. Bhurmal Pira Bhil,
Age 45 years, Occ. Farmer
2. Narayan Pira Bhil,
Age 50 years, Occ. Farmer
Both R/o. Avdhan, Taluka Dhule
District Dhule

3. The Special Land Acquisition Officer,
S.D.O. Dhule)

...Respondents

FIRST APPEAL NO. 36 OF 2003

Maharashtra Industrial Development
Corporation
Through its Regional officer
M.I.D.C. Nashik

...Appellant

versus

1. Tejasbai Kisan Patil,
Age 45 years, Occ. Farmer
R/o. Avdhan, Taluka Dhule
District Dhule

2. The Special Land Acquisition Officer,
S.D.O. Dhule)

...Respondents

WITH
FIRST APPEAL NO. 37 OF 2003

Maharashtra Industrial Development
Corporation

Through its Regional officer
M.I.D.C. Nashik

...Appellant

versus

1. Shantaram Elji Patil,
Age 38 years, Occ. Farmer
R/o. Avdhan, Taluka Dhule
District Dhule

2. The Special Land Acquisition Officer,
S.D.O. Dhule)

...Respondents

WITH
FIRST APPEAL NO. 38 OF 2003
WITH
CIVIL APPLICATION NO. 3464 OF 2006

Maharashtra Industrial Development
Corporation
Through its Regional officer
M.I.D.C. Nashik

...Appellant

versus

1. Kashiram Rajaram Wagh
(deceased through L.Rs.)
- 1A Sumanbai Kashinath Wagh,
Age 70 years, Occ. Nil,
- 1B Uttam Kashinath Wagh,
Age 45 years, Occ. Agriculture
- 1C Deepak Kashinath Wagh,
Age 34 years, Occ. Agriculture
- 1D Chandrakala w/o Yashwant Shirsat
Age 40 years, Occ. Nil
- 1E Parvatabai Dhanraj Gaikwad
Age 37 years, Occ. Nil,

All R/o. Avdhan,
Tq. and District Dhule

2. The Special Land Acquisition Officer,

S.D.O. Dhule)

...Respondents

WITH
FIRST APPEAL NO. 39 OF 2003
WITH
CIVIL APPLICATION NO. 9116 OF 2015

Maharashtra Industrial Development
Corporation
Through its Regional officer
M.I.D.C. Nashik

...Appellant

versus

1. Bhimsing Umraosing Pardeshi,
Age 55 years, Occ. Farmer
R/o. Laling, Taluka Dhule
District Dhule
2. The Special Land Acquisition Officer,
S.D.O. Dhule)

...Respondents

WITH
FIRST APPEAL NO. 40 OF 2003

Maharashtra Industrial Development
Corporation
Through its Regional officer
M.I.D.C. Nashik

...Appellant

versus

1. Daga Daji Patil
2. Lotan Rajaram Patil,
Age 54 years, Occ. Farmer
R/o. Avdhan, Taluka Dhule
District Dhule
3. The Special Land Acquisition Officer,
S.D.O. Dhule)

...Respondents

WITH
FIRST APPEAL NO. 41 OF 2003

Maharashtra Industrial Development
Corporation
Through its Regional officer
M.I.D.C. Nashik

...Appellant

versus

1. Vikas Sahebrao Patil
2. The Special Land Acquisition Officer,
S.D.O. Dhule) ...Respondents

WITH
FIRST APPEAL NO. 44 OF 2003
WITH
CIVIL APPLICATION NO. 11616 OF 2010

Maharashtra Industrial Development
Corporation
Through its Regional officer
M.I.D.C. Nashik

...Appellant

versus

1. Vedubai Daga Patil
Age 52 years, Occ. Farmer
R/o. Avdhan, Taluka Dhule
District Dhule
2. The Special Land Acquisition Officer,
S.D.O. Dhule) ...Respondents

.....
Mr. S.S. Dande, advocate for the appellant.
Mr. B.R. Warma, and Mr. R.R. Raghuwanshi h/f Mr. N.L. Choudhari, and
Mr. S.D. Dhongde, advocates for respondents-claimants
Mr. B.V. Virdhe and A.M. Phule, A.G.P. for respondent - S.L.A.O.
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CORAM : V. K. JADHAV, J.
DATED : 19th JUNE, 2017

PER COURT:-

1. Heard learned counsel for respective parties.
2. These first appeals arise out of one and the same land acquisition proceedings, where under the lands in villages Avadhan and Laling, Tq. and District Dhule were acquired for the purpose of setting up of M.I.D.C. area.
3. Learned counsel for the respondents-claimants have placed on record a copy of judgment dated 27.10.2015 delivered by this Court (Coram: S.V. Gangapurwala, J.) in first appeal No. 592 of 2002 and other connected appeals. Learned counsel for the respondents-claimants submit that present appeals arise out of same acquisition proceedings. The learned counsel for appellant as well as the learned A.G.P. appearing for the S.L.A.O. fairly concede this position.
4. In the aforesaid first appeal No. 592 of 2002 alongwith other connected appeals, this Court had an occasion to consider the judgment and award passed by the Reference Court by relying upon the sale transaction dated 14.8.1980 and this Court in the said group of appeals, held that the Reference Court has rightly considered the

said sale instance alongwith other sale transactions. In the instant appeals also, the Reference Court has considered the same sale transaction for awarding compensation at the enhanced rate. This Court in first appeal No. 592 of 2002 and other connected appeals upheld the judgment and award of the Reference Court awarding compensation at the enhanced rate of Rs.42,000/- per hectare. In the present group, in first appeal Nos. 35 of 2003, 37 of 2003 and 44 of 2003, the Reference Court has awarded the compensation at the rate of Rs.45,000/- per hectare. Thus, in order to maintain uniformity in the compensation as awarded at the enhanced rate, it would be just and proper if the said first appeals preferred by the acquiring body are allowed partly to the extent of reducing the compensation awarded by the Reference Court from Rs.45,000/- per hectare to Rs.42,000/- per hectare.

5. In the light of above and for the reasons recorded in the judgment dated 27.10.2015, delivered by this Court in first appeal No. 592 of 2002 and other connected appeals, no other view than the view taken by this Court in the aforesaid first appeals is possible. Hence, I proceed to pass the following order:-

O R D E R

- I. The first appeal Nos. 36 of 2003, 38 of 2003, 39 of 2003, 40 of 2003 and 41 of 2003 are hereby dismissed. No costs.
- II. First appeal Nos. 35 of 2003, 37 of 2003 and 44 of 2003 are hereby partly allowed. The compensation as awarded by the Reference court to the extent of Rs.45,000/- per hectare is reduced to Rs.42,000/- per hectare.
- III. Rest of the judgment and award, passed by the Reference Court in L.A.R. Nos. 131 of 1997, 42 of 1997 and 110 of 1997, which are under challenge in First appeal Nos. 35 of 2003, 37 of 2003 and 44 of 2003, respectively, stand confirmed.
- IV. Award be drawn up as per the above modification.
- V. All first appeals are accordingly disposed of.
- VI. Pending civil applications are also disposed of.

(V. K. JADHAV, J.)