

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

FIRST APPEAL NO. 993 OF 2011

Executive Engineer,
Minor Irrigation Division,
Osmanabad, Through
Maharashtra Krishna Valley
Development Corporation.

...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
 2. Rameshwar S/o Kashinath Sonwane,
Age. 40 years, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.
 3. Bhaskar S/o Kashinath Sonwane,
Age. 34 years, Occu. Agri.
R/o. As above.
- ...RESPONDENTS.
(Orig. Respo. No.1 &
& Orig. Claimants.)

...

Advocate for Appellant : Mr. Rajale Gulab
Advocate for Respondent/State : Mr. B.V. Virdhe
Advocate for Respondent No. 3: Mr. V.V. Ingale

...

**WITH
CROSS OBJECTION STAMP NO. 10782 OF 2012
IN FA 993/2011**

1. Rameshwar S/o Kashinath Sonwane,
Age. 60 years, Occu. Agri.

2. Bhaskar S/o Kashinath sonwane,
Age. 50 years, Occu. Agri.

Both R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

...APPLICANTS
(Resp. No. 2 & 3 in F.A.)

Versus

1. Executive Engineer,
Minor Irrigation Division, Osmanabad,
Maharashtra Krishana Valley
Development Corporation. (Orig. Appellant in F.A.)
2. The State of Maharashtra,
Through Collector, Osmanabad,
Dist. Osmanabad. ... (Orig. Resp. in F.A.)
Non-Applicants

...

Advocate for Applicants : Mr. V.V. Ingale
Advocate for Respondent No.2: Mr. Gulab Rajale
Advocate for Respondent/State : Mr. B.V. Virdhe

...

**WITH
FIRST APPEAL NO. 970 OF 2011**

Executive Engineer,
Osmanabad Medium Division,
Osmanabad, Through
Maharashtra Krishna Valley Development
Corporation.

...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Lala S/o Kashinath Sonwane,
Age. 55 years, Occu. Agri.

R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

3. Shahu S/o Kashinath Sonwane,
Age. 32 years, Occu. Agri.
R/o as above.

...RESPONDENTS.
(Orig. Respo. No.1&
& Orig. Claimants.)

...

WITH
CROSS OBJECTION STAMP NO. 10786 OF 2012
IN FA 970/2011

1. Lala S/o Kashinath Sonwane,
Age. 76 years, Occu. Agri.
2. Shahu S/o Kashinath Sonwane,
Age. 52 years, Occu. Agri.

Both R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

...APPLICANTS

Versus

1. Executive Engineer,
Minor Irrigation Division, Osmanabad,
Maharashtra Krishna Valley,
Development Corporation.(Orig. Appellant in F.A.)
2. The State of Maharashtra,
Through Collector, Osmanabad,
Dist. Osmanabad. ... (Orig. Resp.in F.A.)
Non-Applicants

...

Advocate for Applicant : Mr. V.V. Ingale
Advocate for Respondent Acquiring body: Mr. Gulab
Rajale
Advocate for Respondent/State : Mr. B.V. Virdhe

...

**WITH
FIRST APPEAL NO. 971 OF 2011**

Executive Engineer,
Minor Irrigation Division,
Osmanabad, Through
Maharashtra Krishna Valley Development
Corporation.

...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Baba S/o Kashinath Sonwane,
Age. 41 years, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.
3. Gautam Kashinath Sonwane,
Age. 36 years, Occu. Agri.
R/o. As above.

...RESPONDENTS.
(Orig. Respo. No.1&3
& Orig. Claimants.)

...

Advocate for Appellant : Mr. Rajale Gulab
Advocate for Respondent/State : Mr. B.V. Virdhe
Advocate for Respondent No. 3: Mr. V.V. Ingale

...

**WITH
CROSS OBJECTION STAMP NO. 10795 OF 2012
IN FA 971/2011**

1. Baba S/o Kashinath Sonwane,
Age. 62 years, Occu. Agri.
2. Gautam S/o Kashinath Sonwane,
Age. 56 years, Occu. Agri.

aaa/-

Both R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad. ...APPLICANTS
(Resp. No. 2 & 3 in F.A.)

Versus

1. Executive Engineer,
Minor Irrigation Division, Osmanabad,
Maharashtra Krishna Valley
Development Corporation. (Ori. Appellant in F.A.)
2. The State of Maharashtra,
Through Collector, Osmanabad
Dist. Osmanabad. ...(Ori. Resp. in F.A.)
Non-Applicants.

...

Advocate for Applicant : Mr. V.V. Ingale
Advocate for Respondent Acquiring body: Mr. Gulab
Rajale
Advocate for Respondent/State : Mr. B.V. Virdhe

...

WITH

FIRST APPEAL NO. 969 OF 2011

Executive Engineer,
Minor Irrigation Division,
Osmanabad, Through
Maharashtra Krishna Valley
Development Corporation. ...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Dattatraya W/o Baburao Sonwane,
Age. 40 years, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,

Dist. Osmanabad.

...RESPONDENTS.
(Orig. Respo. No. 1
& Orig. Claimants.)

...

Advocate for Appellant : Mr. Rajale Gulab
Advocate for Respondent/State : B.V. Virdhe
Advocate for Respondent No. 2 : Mr. V.V. Ingale

...

WITH
CROSS OBJECTION STAMP NO. 6851 OF 2012
IN FA 969/2011

Dattatraya W/o Baburao Sonwane,
Age. 50 years, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

...APPLICANT

Versus

1. Executive Engineer,
Minor Irrigation Division, Osmanabad,
Maharashtra Krishna Valley,
Development Corporation.
2. The State of Maharashtra
Through Collector, Osmanabad,
Dist. Osmanabad. ... (Orig. Appellant in F.A.)
Non-Applicants

...

Advocate for Applicant : Mr. V.V. Ingale
Advocate for Respondent Acquiring body: Mr. Gulab
Rajale
Advocate for Respondent/State : Mr. B.V. Virdhe

...

with
FIRST APPEAL NO. 964 OF 2011

Executive Engineer,
Minor Irrigation Division,

Osmanabad, Through
Maharashtra Krishna Valley
Development Corporation.

...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Babruwan S/o Apparao Mali,
Age. 45 years, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.
3. Babu S/o Apparao Mali,
Age. 28 years, Occu. Agri.
R/o. as above.

...RESPONDENTS.
(Orig. Respo. No. 1
& Orig. Claimants.)

...

Advocate for Appellant : Mr. Rajale Gulab
Advocate for Respondent/State : Mr. B.V. Virdhe
Advocate for Respondent No. 2 and 3 : Mr. S.A. Wakure

...

WITH

**CROSS OBJECTION STAMP NO.23169 OF 2014
IN FA 964/2011**

1. Babruwan S/o Apparao Mali,
Age. 65 years, Occu. Agri.
2. Babu S/o Apparao Mali,
Age. 60 years, Occu. Agri.

Both R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

...APPLICANTS

Versus

1. Executive Engineer,
Minor Irrigation Division, Osmanabad,
Maharashtra Krishna Valley Development
Corporation. ... (Orig. Appellant in F.A.)
2. The State of Maharashtra
Through Collector, Osmanabad,
Dist. Osmanabad. ... (Orig. Appellant in F.A.)
Non-Applicants

....

Advocate for Applicants : Mr. V.V. Ingale
Advocate for Respondent : Mr. Gulab Rajale
Advocate for Respondent/State : Mr. B.V. Virdhe

...

WITH**FIRST APPEAL NO. 1011 OF 2011**

Executive Engineer,
Minor Irrigation Division,
Osmanabd, Through
Maharashtra Krishna Valley
Development Corporation.

...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Bhau S/o Bapurao Mali (Mule),
Age. 46 years, Occu. Agri.,
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad. ...RESPONDENTS.
(Orig. Respo. No.1 &
& Orig. Claimants.)

...

Advocate for Appellant : Mr. Rajale Gulab
Advocate for Respondent/State : Mr. B.V. Virdhe
Advocate for Respondent No. 2: Mr. V.V. Ingale

...

WITH
CROSS OBJECTION STAMP NO. 3766 OF 2012
IN FA 1011/2011

Bhau S/o Bapurao Mali (Mule),
 Age. 70 years, Occu. Agri.,
 R/o. Tambewadi, Tq. Paranda,
 Dist. Osmanabad.

...APPLICANTS
 (Resp. No. 2 in F.A.)

Versus

1. Executive Engineer,
 Minor Irrigation Division, Osmanabad,
 Maharashtra Krishana Vallely
 Development Corporation. (Ori. Appellant in F.A.)
2. The State of Maharashtra,
 Through Collector, Osmanabad,
 Dist. Osmanabad. ... (Ori. Resp. in F.A.)
 Non-Applicants.

...

Advocate for Applicant : Mr. V.V. Ingale
 Advocate for Respondent/State : Mr. B.V. Virdhe
 Advocate for Respondent : Mr. Gulab Rajale

...

WITH
FIRST APPEAL NO. 1012 OF 2011

Executive Engineer,
 Minor Irrigation Division,
 Osmanabd, Through
 Maharashtra Krishna Valley
 Development Corporation.

...APPELLANT
 (Orig. Respo. No. 2)

Versus

1. The State of Maharashtra

Through Collector,
Osmanabad.

2. Sakharam S/o Ramrao Jadhavar,
Age. 45 years, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad. ...RESPONDENTS.
(Orig. Respo. No.1 &
& Orig. Claimants.)

...

Advocate for Appellant : Mr. Rajale Gulab
Advocate for Respondent/State : Mr. B.V. Virdhe
Advocate for Respondent No. 2: Mr. V.V. Ingale

...

WITH
CROSS OBJECTION NO. 6856 OF 2012 IN FA
1012/2011

Sakharam S/o Ramrao jadhavar,
Age. 65 years, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad. ...APPLICANT
(Resp. No. 2 in F.A.)

Versus

1. Executive Engineer,
Minor Irrigation Division, Osmanabad,
Maharashtra Krishana Valley
Development Corporation. (Ori. Appellant in F.A.)
2. The State of Maharashtra,
Through Collector, Osmanabad,
Dist. Osmanabad. ...(Ori. Resp. in F.A.)
Non-Applicants

...

Advocate for Applicant : Mr. V.V. Ingale
Advocate for Respondent/State : Mr. B.V. Virdhe
Advocate for Respondent : Mr. Gulab Rajale

...

WITH
FIRST APPEAL NO. 1013 OF 2011

Executive Engineer,
Minor Irrigation Division,
Osmanabad, Through
Maharashtra Krishna Valley
Development Corporation.

...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Lala Bhimrao Mali,
Age. 60 years, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

...RESPONDENTS.
(Orig. Respo. No.1 &
& Orig. Claimants.)

...

Advocate for Appellant : Mr. Rajale Gulab
Advocate for Respondent/State : Mr. B.V. Virdhe
Advocate for Respondent No. 2: Mr. V.V. Ingale

...

WITH
CROSS OBJECTION STAMP NO. 16059 OF 2012
IN FA 1013/2011

Lala Bhimrao Mali,
Age. 72 years, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

...APPLICANT
(Resp. No. 2 in F.A.)

Versus

1. Executive Engineer,
Minor Irrigation Division, Osmanabad,

Maharashtra Krishana Vallely
Development Corporation. (Ori. Appellant in F.A.)

2. The State of Maharashtra,
Through Collector, Osmanabad,
Dist. Osmanabad. ... (Ori. Resp. in F.A.)
Non-Applicants

...
Advocate for Applicant : Mr. V.V. Ingale
Advocate for Respondent/State : Mr. B.V. Virdhe

...
WITH
FIRST APPEAL NO. 146 OF 2015

Executive Engineer,
Minor Irrigation Division,
Osmanabad.

...APPELLANT..
(Orig. Resp. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Dinkar S/o Arjun Dhakane,
Age. 15 years, Minor,
3. Birmal S/o Arjun Dhakane,
Age. 10 years, Minor,
Respondent No. 2 and 3 are
Minor U/g. Of their real Mother
Prayagbai W/o Arjun Dhakane,
Age. 37 years, Occu. Agri. & Household,
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad. ...RESPONDENTS.
(Orig. Respo. No.1 &
& Orig. Claimants.)

...
Advocate for Appellant : Mr. Rajale Gulab

Advocate for Respondent/State : Mr. B.V. Virdhe
Advocate for Respondent No.2: Mr. V.V. Ingale

...

**CROSS OBJECTION STAMP NO.25130 OF 2015
IN FA 146/2015**

1. Dinkar S/o Arjun Dhakane,
Age. 35 years, Occu. Agri.
2. Birmal S/o Arjun Dhakane,
Age. 30 years, Occu. Agri.

Both R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

...APPLICANTS
(Resp. in F.A.)

Versus

1. Executive Engineer,
Minor Irrigation Division, Osmanabad.
(Ori. Appellant in F.A.)
2. The State of Maharashtra,
Through Collector, Osmanabad,
Dist. Osmanabad. (Orig. Resp. in F.A.)
Non-Applicants

...

Advocate for Applicants: Mr. V.V. Ingale
Mr Gulab Rajale Advocate for Respondent Acquiring
body

Advocate for Respondent/State : Mr. B.V. Virdhe

...

**WITH
FIRST APPEAL NO. 147 OF 2015**

Executive Engineer,
Minor Irrigation Division,
Osmanabad.

...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
 2. Pralhad S/o Krishna Jadhawar,
Age. Major, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.
 3. Rameshwar S/o Krishna Jadhawar,
Age. Major, Occu. Agri.
R/o. As above.
- ...RESPONDENTS.
(Orig. Respo. No.1 &
& Orig. Claimants.)

...

Advocate for Appellant : Mr. Rajale Gulab
Advocate for Respondent/State : Mr. B.V. Virdhe

...

**CROSS OBJECTION STAMP NO. 25128 OF 2015
IN FA NO.147/2015**

1. Pralhad Krishna Jadhawar,
Age. 68 years, Occu. Agri.
2. Rameshwar S/o Krishna Jadhawar,
Age. 65 years, Occu. Agri.

Both R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

...APPLICANTS
(Resp. in F.A.)

Versus

1. Executive Engineer,
Minor Irrigation Division, Osmanabad.
(Ori. Appellant in F.A.)
2. The State of Maharashtra,
Through Collector, Osmanabad,

Dist. Osmanabad.

(Orig. Resp. in F.A.)
Non-Applicants

...

Advocate for Applicants: Mr. V.V. Ingale
Mr Gulab Rajale Advocate for Respondent Acquiring
body

Advocate for Respondent/State : Mr. B.V. Virdhe

...

FIRST APPEAL NO. 849 OF 2014

Maharashtra Krishna Valley
Development Corporation,
Through Executive Engineer,
Medium Project Division,
Osmanabad, Dist. Osmanabad.

...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.

2. Nivruti Chandrabhan Sonwane,
Age. 50 years, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

...RESPONDENTS.
(Orig. Respo. No.1 &
& Orig. Claimants.)

...

Advocate for Appellant : Mr. Rajale Gulab
Advocate for Respondent/State : Mr. B.V. Virdhe
Advocate for Respondent No. 2: Mr. V.V. Ingale

...

WITH**CROSS OBJECTION STAMP NO.20220 OF 2014 IN FA
849/2014**

Nivruti Chandrabhan Sonwane,
Age. Major, Occu. Agri.

R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

...APPLICANT
(Resp. No. 2 in F.A.)

Versus

1. Executive Engineer,
Minor Irrigation Division, Osmanabad,
Maharashtra Krishana Valley
Development Corporation. (Ori. Appellant in F.A.)
2. The State of Maharashtra,
Through Collector, Osmanabad,
Dist. Osmanabad. ...(Ori. Resp. in F.A.)
Non-Applicants

...

Advocate for Applicant : Mr. V.V. Ingale
Mr Gulab Rajale Advocate for Respondent Acquiring
body
Advocate for Respondent/State : Mr. B.V. Virdhe

...

WITH

FIRST APPEAL NO. 850 OF 2014

Maharashtra Krishna Valley
Development Corporation,
Through Executive Engineer,
Medium Project Division,
Osmanabad, Dist. Osmanabad.

...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Rangnath Bhika Jadhavar,
Age. 42 years, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,

Dist. Osmanabad.

...RESPONDENTS.
(Orig. Respo. No.1&
& Orig. Claimants.)

...

Advocate for Appellant : Mr. Rajale Gulab
Advocate for Respondent/State : Mr. B.V. Virdhe
Advocate for Respondent No. 2: Mr. V.V. Ingale

...

WITH
CROSS OBJECTION STAMP NO.20215 OF 2014 IN
FA 850/2014

Rangnath S/o Bhika Jadhavar,
Age.Major, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

...APPLICANT
(Resp. No. 2 in F.A.)

Versus

1. Executive Engineer,
Minor Irrigation Division, Osmanabad,
Maharashtra Krishana Valley
Development Corporation. (Ori. Appellant in F.A.)
2. The State of Maharashtra,
Through Collector, Osmanabad,
Dist. Osmanabad. ... (Ori. Resp. in F.A.)
Non-Applicants

...

Advocate for Applicant : Mr. V.V. Ingale
Mr Gulab Rajale Advocate for Respondent Acquiring
body
Advocate for Respondent/State : Mr. B.V. Virdhe

...

WITH
FIRST APPEAL NO. 851 OF 2014

Maharashtra Krishna Valley

Development Corporation,
Through Executive Engineer,
Medium Project Division,
Osmanabad, Dist. Osmanabad.

...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Kishan chandrabhan Sonwane,
(Died through L.Rs.)
- 2(1) Sampat S/o Kisan sonwane,
Age. 48 years, Occu. Agri.
- 2(2) Ganpat S/o Kisan Sonwane,
Age. 42 years, Occu. Agri.
- 2(3) Indubai W/o Shivaji Morale,
Age. 40 years, Occu. Agri.
- 2(4) Shivaji S/o Kisan sonwane,
Age. 30 years, Occu. Agri.
- 2(5) Jalsabai W/o Kisan Sonwane,
Age. 75 years, Occu. Agri.
- 2(6) Sindubai W/o Kisan Gopalghare,
Age. 45 years, Occu. Agri.

All R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

...RESPONDENTS.
(Orig. Respo. No.1 &
& Orig. Claimants.)

...

Advocate for Appellant : Mr. Rajale Gulab
Advocate for Respondent/State : Mr. B.V. Virdhe
Advocate for Respondent No. 2(1) to 2(6): Mr. V.V. Ingale

...
WITH
CROSS OBJECTION STAMP NO.20231 OF 2014
IN FA 851/2014

Kishan chandrabhan Sonwane,
(Died through L.Rs.)

- (1) Sampat S/o Kisan sonwane,
Age. Major, Occu. Agri.
- (2) Ganpat S/o Kisan Sonwane,
Age. Major, Occu. Agri.
- (3) Indubai W/o Shivaji Morale,
Age. Major, Occu. Agri.
- (4) Jalsabai W/o Kisan Sonwane,
Age. Major, Occu. Agri.
- (5) Sindubai W/o Kisan Gopalghare,
Age. Major, Occu. Agri.

All R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

...APPLICANTS
(Resp. No. 2 in F.A.)

Versus

1. Executive Engineer,
Minor Irrigation Division, Osmanabad,
Maharashtra Krishana Valley
Development Corporation. (Ori. Appellant in F.A.)
2. The State of Maharashtra,
Through Collector, Osmanabad,
Dist. Osmanabad. ... (Ori. Resp. in F.A.)
Non-Applicants

...
Advocate for Applicants: Mr. V.V. Ingale

Mr Gulab Rajale Advocate for Respondent Acquiring
body

Advocate for Respondent/State : Mr. B.V. Virdhe

...

WITH

FIRST APPEAL NO. 1386 OF 2014

Maharashtra Krishna Valley
Development Corporation,
Through Executive Engineer,
Medium Project Division,
Osmanabad, Dist. Osmanabad.

...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Tukaram ganpati Munde,
(Died through L.Rs.)
- 2(1) Laxmi W/o Tukaram Munde,
Age. 26 years, Occu. Household,
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad, at Present
S.T. Officers Quarters, Beed.
- 2(2) Akshay S/o Tukaram Munde,
Age. 1 years, Minor U/g. Of his
real mother Smt. Laxmi Tukaram
Munde, R/o. As above.
3. Ganpati Sambhaji Munde,
Age. Major, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.
4. Sou. Sulochanabai W/o Ganpati Munde,
Age. Major, Occu. Household,

R/o. As above.

...RESPONDENTS.
(Orig. Respo. No.1&
& Orig. Claimants.)

...

Advocate for Appellant : Mr. Rajale Gulab
Advocate for Respondent/State : Mr. B.V. Virdhe
Advocate for Respondent No.4: Mr. Jayabhar D.R. and
Mr. D.A. Bide

...

WITH
FIRST APPEAL NO. 1387 OF 2014

Maharashtra Krishna Valley
Development Corporation,
Through Executive Engineer,
Medium Project Division,
Osmanabad, Dist. Osmanabad.

...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Abasaheb chandrakant Munde,
Age. 35 years, Occu. Agri,
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.
3. Padmakar chandrakant Munde,
Age. 16 years, Minor,
4. Kamlakar Chandrakant Munde,
Age. 12 years, Minor,
5. Pandurang chandrakant Munde,
Age. Minor,

Respondent No. 2 to 5 are Minor

U/g. Of their Mother Shakuntabala
W/o chandrakant Munde,
Age. 35 years, R/o. As above. ...RESPONDENTS.
(Orig. Respo. No.1&
& Orig. Claimants.)

...

Advocate for Appellant : Mr. Rajale Gulab
Advocate for Respondent/State : Mr. B.V. Virdhe
Advocate for Respondent No.1 to 5: Mr. V.V. Ingale

...

WITH

**CROSS OBJECTION STAMP NO. 20673 OF 2014 IN
FA 1387/2014**

1. Abasaheb s/o Lala Munde,
Age. 35 years, Occu. Agri.
2. Padmakar S/o Chandrakant Munde,
Age. 16 years, Occu. Agri.
3. Kamlakar S/o. Chandrakant Munde,
Age. 12 years, Occu. Agri.
4. Pandurang S/o Chandrakant Munde,
Age. 10 years, Occu. Agri.

(Applicant No. 2 to 4 are Minor
U/g of Applicant No. 1)
All R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

...APPLICANTS
(Resp. No. 2 in F.A.)

Versus

1. Executive Engineer,
Minor Irrigation Division, Osmanabad,
Maharashtra Krishana Valley
Development Corporation.

2. The State of Maharashtra,
Through Collector,
Osmanabad, Dist. Osmanabad.

(Orig. Resp. in F.A.)
Non-Applicants

...

Advocate for Applicants: Mr. V.V. Ingale
Mr Gulab Rajale Advocate for Respondent Acquiring
body

Advocate for Respondent/State : Mr. B.V. Virdhe

...

WITH

FIRST APPEAL NO. 1401 OF 2014

Maharashtra Krishna Valley
Development Corporation,
Through Executive Engineer,
Medium Project Division,
Osmanabad, Dist. Osmanabad.

...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Shridhar Ramrao Mahajan,
(Died through L.Rs.)
- 2(1) Vishwas Shridhar Mahajan,
Age. 37 years, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.
- 2(2) Nanasaheb Shridhar Mahajan,
Age. 30 years, Occu. Agri.
R/o. As above.
- 2(3) Kaushalyabai Shridhar Mahajan,
Age. 55 years, Occu. Agri.

R/o. As above.

2(4) Daivashala W/o Bhausahab Havale,
Age. 32 years, Occu. Household,
R/o. Deolali, Tq. Paranda,
Dist. Osmanabad.

2(5) Surekha Narayan Thite,
Age. 35 years, Occu. Household,
R/o. Agalgaon, Tq. Barshi,
Dist. Solapur.

3. Devidas Ramrao Mahajan,
Age. 45 years, Occu. Agri.
R/o. As above.

...RESPONDENTS.
(Orig. Respo. No.1 &
& Orig. Claimants.)

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Advocate for Appellant : Mr. Rajale Gulab
Advocate for Respondent/State : Mr. B.V. Virdhe
Advocate for Respondent No.2(1) to 2(5) & 3: Mr. V.V.
Ingale

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WITH
FIRST APPEAL NO. 1402 OF 2014

Maharashtra Krishna Valley
Development Corporation,
Through Executive Engineer,
Medium Project Division,
Osmanabad, Dist. Osmanabad.

...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.

2. Vasant S/o Krishna Mahajan,

Age. 50 years, Occu. Agri.
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

...RESPONDENTS.
(Orig. Respo. No.1 &
& Orig. Claimants.)

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Advocate for Appellant : Mr. Rajale Gulab
Advocate for Respondent/State : Mr. B.V. Virdhe
Advocate for Respondent No.2: Mr. V.V. Ingale

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CORAM : V.K. JADHAV, J.

Dated: April 26, 2017

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ORAL JUDGMENT :-

1-I. Being aggrieved by the common judgment and award dated 12.3.2010 passed by the Reference Court in LAR No.175/1994/1994, 184/1994, 168/1994, 191/1994, the respondent-Acquiring body has preferred First Appeal Nos.993/2011, 970/2011, 971/2011, 969/2011.

II. Being aggrieved by the common judgment and award passed by the Reference Court in LAR Nos.476/1994, 178/1994, 170/1994, 183/1994 the respondent-Acquiring body has preferred First Appeal Nos.964/2011, 1011/2011, 1012/2011, 1013/2011.

III. Similarly, being aggrieved by the common judgment and award passed by the Reference Court in LAR Nos.185/1995, 177/1985 the respondent-Acquiring body has preferred First Appeal Nos.146/2015 and 147/2015.

IV. Similarly, being aggrieved by the common judgment and award passed by the Reference Court in LAR Nos.179/1994, 173/1994, 180/1994, the respondent-Acquiring body has preferred First Appeal Nos.849/2014, 850/2014 and 851/2014.

V. Similarly, being aggrieved by the common judgment and award passed by the Reference Court in LAR Nos.171/1994, 188/1994, 186/1994, 176/1994, the respondent-Acquiring body has preferred First Appeal Nos.1402/2014, 1401/2014, 1386/2014, 1387/2014.

2. In all the aforesaid appeals, the respondents-original claimants have filed their cross objections

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respectively for enhancement in compensation as awarded by the reference Court.

3. In all the aforesaid land references, the agricultural lands owned and possessed by the respondents-claimants, situated at village Tambewadi, Tq. Paranda, Dist. Osmanabad came to be acquired by the Government for construction of Tambewadi Medium Project under notification under section 4 of the L.A. Act published in the Government Gazette on 31.8.1989.

4. In a group of first appeals referred as I, II, III in the above mentioned paragraphs, the Reference Court has awarded the compensation at the enhanced rate of Rs.37,333/- per acre and in the remaining group of appeals referred as IV and V respectively, the Reference Court has awarded the compensation at the enhanced rate of Rs.49,477/- per acre. In all the aforesaid reference petitions, the Reference Court placed reliance on the sale deed dated 3.4.1987 of village Umbarge.

5. The Respondents-original claimants have preferred their cross appeals on the ground that the Reference Court in LAR No.511/1994 and 512/1994 in respect of the lands acquired for the same project though under different awards, awarded the compensation at the enhanced rates of Rs.72,000/- per acre. Hence all these first appeals and cross appeals.

6. The learned counsel for the appellant-acquiring body submits that the acquired lands are situated far away from the lands under the sale instance dated 3.4.1987 of village Umbarge. Learned counsel submits that, said sale instance dated 3.4.1987 is two years prior to section 4 notification in respect of the present acquired lands. Learned counsel submits that it is the duty of the claimants to lead evidence in support of its case and in absence of any satisfactory evidence, court is not under legal obligation to determine the market value merely as per prayer of the claimants. In the instant matter, the claimants have not produced on

record any site map/map indicating the exact distance between the acquired land and land under sale instance dated 3.4.1987 of village Umbarge and as such, there was no satisfactory material placed before the Reference Court to determine the correct market price of the acquired land. Learned counsel submits that, respondents-claimants have claimed compensation at the enhanced rate of Rs.60,000/- per acre before the Reference Court and now they are claiming Rs.72,000/- per acre by filing cross objections/appeals. Learned counsel submits that, inordinate delay has been occurred in filing the cross objections/appeals and this Court has condoned the said delay on the condition that the respondents claimants shall not be entitled to claim interest of the said period and further directed the respondents-claimants to file undertaking to that effect. Respondents-claimants have also filed undertaking before this Court and as such, in the event, if this Court enhanced the compensation by allowing or partly allowing their cross objections/appeals, respondents-

claimants would not be entitled to claim interest for the said period of delay in terms of their undertakings. Learned counsel for the appellant-acquiring body, in the alternate submits that, claim for the enhanced compensation of claimants/cross objectors can be considered to the extent of enhancement at the rate of Rs.50,000/- per acre as awarded by the Division Bench of this Court [Coram:S.V.Gangapurwala and A.M.Badar, JJ.] dated 20.6.2014 (page 32) of compilation.

7. Learned counsel for the appellant-acquiring body has placed his reliance on a judgment in case of **Bhule Ram Vs. Union of India and another** reported in (2014) 11 **Supreme Court Cases 307**.

8. The learned counsel for the respondents-claimants/cross objector submits that, the Reference Court in respect of the acquired lands from the same village Tambewadi and for the same project awarded the compensation at the enhanced rate of Rs.72,000/- per

acre vide judgment and award passed on 11.12.2011 in LAR No.511/1994 and 512/1994. The Reference Court has awarded the compensation at the enhanced rate of Rs.72,000/- per acres by relying upon the sale deed dated 3.4.1987 of village Umbarge. Being aggrieved by the same, the appellant-acquiring body herein has preferred First Appeal no.1365/2013 and 1363/2013 before this Court and this Court by order dated 10.9.2015 dismissed the said First Appeals by confirming the order passed by the Reference Court in the aforesaid Land Acquisition Reference petitions. Learned counsel submits that, the claimants are entitled for the compensation for their acquired lands at same rate since the order passed by this Court in the said first appeal has now attained finality and admittedly, the acquiring body or the State Government have not preferred any appeal against the said judgment before the Supreme Court. Learned counsel submits that, though the claimants have claimed compensation before the Reference Court at the enhanced rate of

Rs.60,000/- per acre, the claimants are entitled for just and reasonable compensation for which they are ready to pay deficit court fees, if directed by this Court. Learned counsel submits that rightful claim of the claimants cannot be denied on the ground of deficit court fees and the claimants are entitled for the compensation as per the market value.

9. Learned counsel for the claimants in order to substantiate his contentions placed his reliance on a case **Chandrashekhar and others Vs. Addl. Special Land Acquisition Officer** reported in **2009 Supreme Court 3012**.

10. I have carefully perused the judgment and award passed by the reference court as categorized in group I to IV. It appears that, relying on the same sale deed dated 3.4.1987 of village Umbarege, the Reference Court has awarded the compensation at two different enhanced rates. In the group of appeals referred in I, II and III,

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the Reference Court has awarded the compensation at the enhanced rate of Rs.37,333/- per Acre and in group No.IV and V in the same state of facts and evidence the reference Court has awarded the compensation at the rate of Rs.49,777/- per acre. In all these reference petitions, the status of the land as irrigated or seasonally irrigated land is not disputed, except in LAR No.177/1995 wherein the Reference Court has awarded the compensation @ 18,663/- per acre by treating the land as Jirayat Lands. It further appears that in LAR Nos.511/1994 and 512/1994, the Reference Court has awarded the compensation at the enhanced rate of Rs.72,000/- per acre for the acquired land by treating the said land as seasonally irrigated land. It thus appears that, there is no uniformity in the compensation awarded by the Reference Court at the enhanced rate. However, this Court had an occasion to examine the judgment and Award passed by the Reference Court in the said LAR No.511/1994 and 512/1994 and this Court while disposing off FA

no.1365/2013 with FA No.1363/2013 arises out of the judgment and award passed by the Reference Court in the aforesaid reference petitions No.511/1994 and 512/1994 in paragraph No.4 of the judgment has observed that sale instance has been properly considered by the Reference Court. Admittedly, the order passed by this Court in FA No.1365/2013 with FA No.1363/2013 has now attained finality.

11. Though the Division Bench of this court by order dated 20.6.2014 confirmed the order passed by the Reference Court, awarding the compensation at the enhanced rate of Rs.50,000/- per acre for the land from the village Tambewadi, however, it is to be noted here that those appeals came to be preferred by the present acquiring body and the respondents-claimants therein have not preferred any cross objections. However, the learned Single Judge of this court had an occasion to examine the judgment and award passed by the Reference Court awarding compensation at the

enhanced rate of Rs.72,000/- per acre for the acquired land in the same village Tambewadi and accordingly confirmed the order passed by the Reference Court.

12. In view of the same, the claimants are entitled for the compensation at the same rate as awarded by the Reference Court in those LAR Nos.511/1994 and 512/1994 confirmed by this Court in FA Nos. 1365/2013 with 1363/2013 and the same is also essential to maintain the uniformity in grant of compensation at the enhanced rate for the acquired lands of the same village for the same project under the same notification.

13. So far as FA No.147/2015 is concerned, the Reference Court has awarded the compensation at the enhanced rate by treating the land as Jirayat Land and this Court has also confirmed the rate awarded by the Reference Court in respect of the Jirayat Lands in FA No.2948/2011 and as such, the claimants in FA

No.147/2015 are entitled for the compensation of Rs.52,000/- per acre for acquired land.

O R D E R

- I] The First Appeals preferred by the acquiring body bearing Nos.993/2011, 970/2011, 971/2011, 969/2011, 964/2011, 1011/2011, 1012/2011, 1013/2011, 146/2015, 147/2015, 849/2014, 850/2014, 851/2014, 1402/2014, 1401/2014, 1386/2014, 1387/2014 are hereby dismissed.
- II] Cross objection Nos.10782/2012 in FA 993/2011, 10786/2012 IN FA 970/2011, 10795/2012 IN FA 971/2011, 6851/2012 IN FA 969/2011, 23169/2014 IN FA 964/2011, 3766/2012 IN FA 1011/2011, 6856/2012 IN FA 1012/2011, 16059/2012 IN FA 1013/2011, 25130/2015 IN FA 146/2015, 20220/2014 IN FA 849/2014, 20215/2014 IN FA 850/2014, 20231/2014 IN FA 851/2014, 20673/2014 IN FA 1387/2014 are hereby partly allowed with proportionate costs.
- III] The judgment and award passed by the Reference Court in the aforesaid Land Reference Petitions as detailed in paragraph No.1-I to V of this Judgment are hereby modified except in

LAR No.177/1995 (X-objection No.25128/2015 in FA 147/2015) in the manner that the claimants are entitled for the compensation for the acquired lands at the enhanced rate of Rs.72,000/- (Rs. Seventy Two Thousand) per acre with all statutory benefits as awarded by Reference Court.

IV. The judgment and award passed by the Reference Court in the Land Reference Petition No.177/1995 (X-objection No.25128/2015 in FA 147/2015) is hereby modified in the manner that the claimants are entitled for the compensation for the acquired lands at the enhanced rate of Rs.52,000/- (Rs. Fifty Two Thousand) per acre with all statutory benefits as awarded by Reference Court.

V] In view of the order passed by this Court and in view of the undertaking furnished by the claimants before this Court, the claimants are not entitled for the interest for the period for which delay sought to be condoned.

VI] Award be drawn up as per the above modifications.

VII] All the First appeals and cross objections are disposed of.

VIII] In view of disposal of first appeals and cross objections, pending civil applications, if any, also stand disposed of.

IX] The claimants/cross objectors shall pay the deficit court fees within four weeks from the date of this Order.

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(**V.K. JADHAV, J.**)

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