

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 FIRST APPEAL (ST.) NO. 15556/2017

BHIKA ANANDA PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

908 FIRST APPEAL (ST.) NO. 15505/2017

EKNATH VITTHAL PATIL
VERSUS
THE COLLECTOR, JALGAON AND ORS

.....

909 FIRST APPEAL (ST.) NO. 15498/2017

YUVRAJ VITTHAL SONAWANE
VERSUS
THE COLLECTOR, JALGAON AND ORS

.....

910 FIRST APPEAL (ST.) NO. 15493/2017

BHAGWAT VITTHAL SONAWANE
VERSUS
THE COLLECTOR, JALGAON AND ORS

.....

911 FIRST APPEAL (ST.) NO. 15490/2017

ARJUN SANTOSH MANKAR
VERSUS
THE COLLECTOR, JALGAON AND ORS

...

912 FIRST APPEAL (ST.) NO. 15485/2017

BHAGWAN ONKAR PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

913 FIRST APPEAL (ST.) NO. 15479/2017

DNYANESHWAR PANDURANG LOHAR (DIED) LRS ISHWAR AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

914 FIRST APPEAL (ST.) NO.15475/2017

NIVRUTTI PUNDALIK KALBAILE AND ANR
VERSUS
COLLECTOR, JALGAON AND ORS

...

915 FIRST APPEAL (ST.) NO.15496/2017

RAMLAL RAVAJI CHINCHOLE
VERSUS
COLLECTOR, JALGAON AND ORS

...

916 FIRST APPEAL (ST.) NO.15503/2017

SHENFADU RAMJI BHOI
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

918 FIRST APPEAL (ST.) NO.15611/2017

SHANKAR DAGADU GORADE
VERSUS
THE SLAO (1) UTPH, JALGAON AND ANR

...

919 FIRST APPEAL (ST.) NO.15613/2017

NARAYAN DAGADU SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

920 FIRST APPEAL (ST.) NO.15615/2017

RAMESHWAR BAJIRAO CHOUDHARI
VERSUS
THE COLLECTOR, JALGAON AND ORS

...

921 FIRST APPEAL (ST.) NO.15605/2017

NAMDEO RAMKRUSHANA SATHE (DIED) THR LRS MAGALABAI
ANDORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

922 FIRST APPEAL (ST.) NO.15607/2017

JANABAI PANDURANG PATIL
VERSUS
COLLECTOR, JALGAON AND ORS

...

923 FIRST APPEAL (ST.) NO.15617/2017

NAMDEO GOBA SHEWALKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

924 FIRST APPEAL (ST.) NO.15619/2017

BHAGWAN LAXMAN CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

925 FIRST APPEAL (ST.) NO.15643/2017
WITH FAST/15645/2017 WITH FAST/15567/2017 WITH
FAST/15641/2017

SOPAN JAGANNATH CHAUDHARI
VERSUS
THE COLLECTOR, JALGAON AND ANR

...

926 FIRST APPEAL (ST.) NO.15629/2017
WITH FAST/15583/2017 WITH FAST/15627/2017 WITH
FAST/15631/2017 WITH FAST/15625/2017

PANDHARI CHANGO CHAUDHARI (DIED) THR LRS SAYABAI AND
ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER (1), U.T.P.H., JALGAON
AND ANR

...

927 FIRST APPEAL (ST.) NO.15635/2017
WITH FAST/15633/2017 WITH FAST/15565/2017 WITH
FAST/15637/2017 WITH FAST/15639/2017

SARUBAI DEVRAM CHINCHOLE AND ANR
VERSUS

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THE SPECIAL LAND ACQUISITION OFFICER (1), U.T.P.H., JALGAON
AND ANR

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928 FIRST APPEAL (ST.) NO.15814/2017
WITH FAST/15810/2017 WITH FAST/15816/2017 WITH
FAST/15812/2017

SHIVRAM VISHNU NANDURBARE
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER (1), U.T.P.H., JALGAON
AND ANR

...

929 FIRST APPEAL (ST.) NO.15623/2017

PUNDLIK PANDURANG CHAUDHARI (SPA) AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER (1), U.T.P.H., JALGAON
AND ANR

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930 FIRST APPEAL (ST.) NO.15792/2017 WITH
FAST/15621/2017

RAMLAL DAGADU PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

931 FIRST APPEAL (ST.) NO.15609/2017
WITH FAST/15808/2017 WITH FAST/15806/2017 WITH
FAST/15804/2017

KAMLABAI HARI PATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER (2), U.T.P.H., JALGAON
AND ANR

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932 FIRST APPEAL (ST.) NO.15802/2017
WITH FAST/15800/2017

BANABAI NATTHU PARDHI (DIED) THR LRS MOTIRAM NATTHU
PARDHI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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933 FIRST APPEAL (ST.) NO.15581/2017
WITH FAST/15798/2017

SITARAM MANGO KOLI
VERSUS
COLLECTOR, JALGAON AND ORS

...

934 FIRST APPEAL (ST.) NO.15551/2017
WITH FAST/15780/2017 WITH FAST/15957/2017 WITH
FAST/15963/2017 WITH FAST/15782/2017

HUKUMCHAND KEWALCHAND JAIN
VERSUS
COLLECTOR, JALGAON AND ORS

...

935 FIRST APPEAL (ST.) NO.15548/2017
WITH FAST/15772/2017 WITH FAST/15778/2017 WITH
FAST/15776/2017 WITH FAST/15774/2017

BHARAT TAPIRAM CHAUDHARY AND ORS
VERSUS
COLLECTOR, JALGAON AND ORS

...

936 FIRST APPEAL (ST.) NO.15823/2017
WITH FAST/15603/2017 WITH FAST/15796/2017 WITH
FAST/15794/2017

VACHCHALABAI TUKARAM DANDGE
VERSUS
COLLECTOR, JALGAON AND ANR

...

937 FIRST APPEAL (ST.) NO. 15657/2017
WITH FAST/15770/2017 WITH FAST/15768/2017

VASANT NAMDEO TAYADE AND ANR
VERSUS
COLLECTOR, JALGAON AND ANR

...

938 FIRST APPEAL (ST.) NO.15599/2017
WITH FAST/15765/2017

MADHUKAR GOBA SHEWALKAR
VERSUS
THE COLLECTOR, JALGAON AND ORS

...

939 FIRST APPEAL (ST.) NO.15601/2017
WITH FAST/15788/2017

RAJARAM VITHOBA MAHAJAN
VERSUS
COLLECTOR, JALGAON AND ORS

...

940 FIRST APPEAL (ST.) NO.15663/2017
WITH FAST/15784/2017 WITH FAST/15786/2017

SHRAVAN SONU BHOI
VERSUS
THE COLLECTOR, JALGAON AND ORS

...

941 FIRST APPEAL (ST.) NO.15655/2017
WITH FAST/15818/2017

SHANTARAM LAXMAN PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

FIRST APPEAL (ST.) NO.15790/2017

LATU LALCHAND MISTARI (DECEASED) THROUGH LRS. INDUBAI
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

FIRST APPEAL (ST.) NO.15563/2017

SHRIRAM NARAYAN PATIL
VERSUS
SPCIAL LAND ACQUISITION OFFICER (2) U.T. P.H. JALGAON AND
ANOTHER

FIRST APPEAL (ST.) NO.15647/2017

DAMU KESHAV PATIL (DIED) THROUGH LRS. BAPU AND OTHERS
VERSUS
SPCIAL LAND ACQUISITION OFFICER (2) U.T. P.H. JALGAON AND
ANOTHER

...

Advocate for Applicant : Mr. Kale Ajeet B.
AGP for Respondents: Mr. S.S. Dande, Mr. A. M. Phule, Mr. G.O.
Wattamwar, S.P. Sonpawale, R.B. Bagul and Mr. C.V. Dharurkar in
respective matters.

Advocate for acquiring body: Mrs. Vaishali Jadhav

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CORAM : V. K. JADHAV, J.
DATED : 3rd MAY, 2017

PER COURT:-

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	Bhika Ananda Pawar	15556/2017	493/2003	5400/-
2	Eknath Vitthal Patil	15505/2017	294/2003	5400/-
3	Yuvraj Vithal Sonawane	15498/2017	51/2004	5400/-
4	Bhagwat Vithal Sonawane	15493/2017	25/2004	5400/-
5	Arjun Santosh Mankar	15490/2017	27/2004	5400/-
6	Bhagwat Onkar Patil	15485/2017	704/2005	3420/-
7	Dnyaneshwar Pandurang Lohar (Died) L.Rs.	15479/2017	753/2005	2970/-
8	Nivrutti Pundalik Kalbaile & Another	15475/2017	72/2004	5400/-
9	Ramlal Ravaji Chinchole	15496/2017	306/2003	5850/-

				5850/-
10	Shenafadu Ramaji Bhoi	15503/2017	472/2003	5850/-
11	Shankar Dagdu Gorade	15611/2017	432/2004	6075/-
12	Narayan Dagdu Shinde	15613/2017	517/2003	4050/-
13	Rameshwar Bajirao Chaudhari	15615/2017	536/2003	5400/-
14	Namdeo Ramkrushna Sathe (Died) through L.Rs.	15605/2017	473/2003	5400/-
15	Janabai Pandurang Patil	15607/2017	406/2003	5400/-
16	Namdeo Goba Shewadkar	15617/2017	511/2003	4950/-
17	Bhagwan Laxman Chaudhari	15619/2017	538/2003	4950/-
18	Sopan Jagannath Chaudhari	15643/2017	491/2004	5400/-
19	Shaligram Dayaram Ahirkar	15645/2017	489/2004	5400/-
20	Bhagwat Bhimrao Patil	15567/2017	486/2003	5400/-
21	Bayjabai Hari Patil	15641/2017	487/2003	5400/-
22	Pandhari Chango Chaudhari (Died) through L.Rs.	15629/2017	274/2004	5400/-
23	Prakashchand Kevalchand Jain	15583/2017	273/2004	5400/-
24	Bhimabai Supadu Sapkale	15627/2017	315/2004	5400/- 5400/-5400/-
25	Pandurang Dodhu Dhekale	15631/2017	292/2004	5400/-
26	Raghunath Shamrao Saitwal	15625/2017	277/2004	5850/- 5850/-
27	Sarubai Devram Chinchole	15635/2017	465/2003	5400/-
28	Daulat Ramkrishna Barkale	15633/2017	468/2003	5400/- 5400/-
29	Samadhan Pandurang Chaudhari	15565/2017	461/2003	4050/-
30	Ragho Dhondur Barkale	15637/2017	464/2003	4050/-
31	Devram Dagdu Patil	15639/2017	479/2003	5400/-
32	Shivram Vishnu Nandurbare	15814/2017	316/2004	5400/-
33	Sudhakar Madhukar Suryawanshi	15810/2017	319/2004	4950/-
34	Jagan Sonu Bhoi	15816/2017	313/2004	4050/- 4050/-
35	Sukdeo Damu Tayade	15812/2017	317/2004	5400/-
36	Pandurang Chango Chaudhari (Died) Through L.Rs.	15623/2017	308/2004	5850/-
37	Ramlal Dagdu Patil	15792/2017	345/2004	4050/-

38	Ramchandra Dhodu Dhekale	15621/2017	346/2004	4050/-
39	Kamalabai Hari Patil	15609/2017	539/2005	4950/-
40	Bhagwat Chindhu Chavan	15808/2017	542/2005	4950/-
41	Sitaram Lotu Chavan	15806/2017	545/2005	4950/-
42	Rajendra Pandurang Patil & Another	15804/2017	544/2005	7425/-
43	Banabai Natthu Pardhi (Died) Through L.Rs.	15802/2017	720/2005	4050/-
44	Shamrao Zhipru Chaudhari (Died) Through L.Rs.	15800/2017	714/2005	5400/-
45	Sitaram Mango Koli	15581/2017	37/2004	5400/-
46	Kalabai Namdeo Bavaskar	15798/2017	63/2004	5400/- 5400/-
47	Hukumchand Kevalchand Jain	15551/2017	300/2003	5850/-
48	Bajirao Tanku Chaudhari	15780/2017	301/2004	5400/-
49	Namdeo Santosh Mankar	15957/2017	410/2003	5850/-
50	Mankarnabai Vitthal Sonawane	15963/2017	271/2003	5850/-
51	Prabhakar Narayan Mahajan	15782/2017	302/2004	5400/-
52	Bharat Tapiram Chaudhari	15548/2017	278/2004	5400/-
53	Arjun Shamrao Chaudhari	15772/2017	280/2004	5400/-
54	Bhagirath Ziparu Chaudhari	15778/2017	481/2004	5400/-
55	Uttam Kevalchand Jain	15776/2017	286/2004	5400/- 5400/-
56	Nago Govinda Karaskar	15774/2017	282/2004	5400/-
57	Vachalabai Tukaram Dandge	15823/2017	299/2004	5400/-
58	Jagannath Damu Chaudhari	15603/2017	297/2004	5400/-
59	Nanuram Sonu Dube	15796/2017	298/2004	5400/-
60	Rajaram Sukdeo Ushir	15794/2017	303/2004	5400/-
61	Vasant Namdeo Tayade & Others	15657/2017	293/2004	4050/-
62	Arjun Rodhu Nhavi	15770/2017	94/2004	4950/-
63	Dilip Totaram Chinchole & Another	15768/2017	306/2004	4050/-
64	Madhukar Goba Shewadkar	15599/2017	530/2003	5850/-
65	Gopal Shamrao Saitwal	15765/2017	532/2003	5850/-
66	Rajaram Vithoba Mahajan	15601/2017	255/2003	5400/-
67	Shivdas Tulshiram Dubey	15788/2017	260/2003	5400/-

68	Shravan Sonu Bhoi	15663/2017	444/2003	4050/-
69	Anjanabai Sitaram Chaudhari	15784/2017	443/2004	5850/-
70	Lilabai Pralhad Bhoi	15786/2017	453/2004	4950/-
71	Shantaram Laxman Patil	15655/2017	412/2005	5400/- 4050/-
72	Suresh Hari Sonar & Another	15818/2017	414/2005	4950/-
73	Lotu Lalchand Mistari (Died) Through L.Rs.	15790/2017	351/2004	5850/- 4050/-
74	Shriram Narayan Patil	15563/2017	540/2005	4950/-
75	Damu Keshav Patil (Died) Through L.Rs.	15647/2017	546/2005	4050/-

- (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.)

rlj/