

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

FIRST APPEAL NO. 354 OF 2012

The Executive Engineer,
Osmanabad Medium Project Division,
Osmanabad (On behalf of)
Maharashtra Krishna Valley Development
Corporation.

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

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Special Land Acquisition
Officer, No. 2, Osmanabad.
3. Babasaheb Shahaji Munde,
(Died through his L.Rs.)
- 3/A. Smt. Kausalyabai Babasaheb Munde,
Age. 50 years, Occu. Household,
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.
- 3/B. Rajabhau Babasaheb Munde,
Age. 40 years, Occu. Agri.
R/o. As above.
- 3/C. Nanasaheb babasaheb Munde,
Age. 38 years, Occu. Agri.
R/o. As above.
- 3/D. Sunil Babasaheb Munde,
Age. 36 years, Occu. Agri.
R/o. As above.

3/E. Suman Shivaji Dhakane,
Age. 45 years, Occu. Household,
R/o. Chumb, Tq. Barshi,
Dist. Solapur.

4. Fulchand Shahaji Munde,
Age. Major, Occu. Agri.
R/o. As above.

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

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

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WITH
FIRST APPEAL NO. 355 OF 2012

The Executive Engineer,
Osmanabad Medium Project Division,
Osmanabad (On behalf of)
Maharashtra Krishna Valley Development
Corporation.

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

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Special Land Acquisition
Officer, No. 2, Osmanabad.
3. Rameshwar Rajaram Mali,
Age. Major, Occu. Household,
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

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

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

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WITH

FIRST APPEAL NO. 2935 OF 2011

The Executive Engineer,
Osmanabad Medium Project Division,
Osmanabad (On behalf of)
Maharashtra Krishna Valley Development
Corporation.

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

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.

2. Special Land Acquisition
Officer, No. 2, Osmanabad.

3. Harishchandra Shamrao Khandare,
Age. Major, Occu. Household,
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

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

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Advocate for Appellant : Mr. Rajale Gulab
AGP for Respondent/State : Mr B V Virdhe
Advocate for Respondent No. 3: Mr. S.T. Ghute

...

WITH

FIRST APPEAL NO. 2936 OF 2011

The Executive Engineer,
Osmanabad Medium Project Division,
Osmanabad (On behalf of)
Maharashtra Krishna Valley Development

aaa/-

Corporation.

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

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Special Land Acquisition
Officer, No. 2, Osmanabad.
3. Prakash Suryabhan Mahajan,
Age. Major, Occu. Household,
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.

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

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Advocate for Appellant : Mr. Rajale Gulab
AGP for Respondent/State : Mr B V Virdhe
Advocate for Respondent No. 3: Mr. S.T. Ghute

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WITH
FIRST APPEAL NO. 2940 OF 2011

The Executive Engineer,
Osmanabad Project (East-West) Division,
Osmanabad (On behalf of)
Maharashtra Krishna Valley Development
Corporation.

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

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Special Land Acquisition
Officer, No. 2, Osmanabad.

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3. Raghu Shankar Mali,
Age. Major, Occu. Household,
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad. ...RESPONDENTS.
(Orig. Respo. No.1& 3
& Orig. Claimants.)

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Advocate for Appellant : Mr. Rajale Gulab
AGP for Respondent/State : Mr B V Virdhe
Advocate for Respondent No. 3: Mr. S.T. Ghute

...

WITH**FIRST APPEAL NO. 2941 OF 2011**

The Executive Engineer,
Medium Project (East-West) Division,
Osmanabad (On behalf of)
Maharashtra Krishna Valley Development
Corporation. ...APPELLANT
(Orig. Respo. No. 2)

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Special Land Acquisition
Officer, No. 2, Osmanabad.
3. Pralhad Suryabhan Mahajan,
Age. Major, Occu. Household,
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad. ...RESPONDENTS.
(Orig. Respo. No.1& 3
& Orig. Claimants.)

...

Advocate for Appellant : Mr. Rajale Gulab
AGP for Respondent/State : Mr B V Virdhe
Advocate for Respondent No. 3: Mr. S.T. Ghute

...

WITH
FIRST APPEAL NO. 2947 OF 2011

Maharashtra Krishna Valley
Development Corporation,
Through Executive Engineer,
Osmanabad Medium Project Division,
Osmanabad, Sinchan Bhavan,
Anand Nagar, Osmanabad.

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

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Vilasrao Raosaheb Kulkarni,
(Died through his L.Rs.)
- 2-A. Vijaya Vilas Kulkarni,
Age. 48 years, Occu. Household,
R/o. Tambewadi, Tq. Paranda,
Dist. Osmanabad.
- 2-B. Gauri Jayant Joshi,
Age. 30 years, Occu. Agri.
R/o. As above.
- 2-C. Gajanan Vilas Kulkarni,
Age. 27 years, Occu. Agri.
As above.
- 2-D. Swati Satish Kulkarni,
Age. 24 years, Occu. Household,
R/o. As above.

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

...

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

Advocate for Respondent No. 2-A to 2-D: Mr. A.S. More

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WITH

FIRST APPEAL NO. 2948 OF 2011

Maharashtra Krishna Valley
Development Corporation,
Through Executive Engineer,
Osmanabad Medium Project Division,
Osmanabad, Sinchan Bhavan,
Anand Nagar, Osmanabad.

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

Versus

1. The State of Maharashtra
Through Collector,
Osmanabad.
2. Balasaheb Bubasaheb Tambe,
Age. 55 years, Occu. Agri.,
R/o. Deolali, Tq. Paranda,
Dist. Osmanabad.

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

...

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

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CORAM : V.K. JADHAV, J.

Dated: April 26, 2017

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ORAL JUDGMENT :-

1-a. Being aggrieved by the judgment and award
passed by the Reference Court in LAR No.202/1994 and
201/1994, the respondent-Acquiring body has preferred

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First Appeal No.354/2012 and 355/2012.

1-b. Being aggrieved by the judgment and Award passed by the Reference Court in LAR No.200/1994 and 205/1994 the acquiring body has preferred First appeal No.2940/2011 and 2941/2011.

1-c. Being aggrieved by the judgment and award passed in LAR No.518/1994 and 509/1994 the acquiring body has preferred first appeal No.2947/2011 and 2948/2011 and being aggrieved by the judgment and award passed by the reference court in LAR No.189/1994 and 195/1994, the acquiring body has preferred First Appeal nos.2935/2011 and 2936/2011.

2. In all these appeals, the lands owned and possessed by the respondents-claimants situated at village Tambewadi, Tq. Paranda, District Osmanabad came to be acquired by the Government for construction of Tambewadi Medium Project, Tambewadi, Tq. Paranda, District Osmanabad under the notification under section 4 of the Land Acquisition Act dated 26.12.1989.

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Thus all these appeals arising from the same award, taken up together for disposal.

3. In the aforesaid reference petitions, the Reference Court has awarded the compensation to the acquired lands by treating the said lands as seasonally irrigated lands at the rate of Rs.72,000/- per acre, except in land LAR No.518/1994, wherein enhanced compensation is awarded @ Rs.52,000/- per acre by treating the land as Jirayat Land. The Reference Court while awarding the compensation at the aforesaid rates, placed reliance upon a sale instance dated 3.4.1987 of village Umbarge.

4. Being aggrieved by the judgment and award passed by the Reference Court as aforesaid, the acquiring body has preferred these appeals. Being aggrieved by the common judgment and award passed by the Reference Court in LAR No.511/1994 and 512/1994 present appellant-acquiring body has preferred First Appeal no.1365/2013 and 1363/2013 respectively. Reference Court by common judgment in

LAR No.511/2009 and 512/1994 considered the acquisition of the agricultural lands situated at village Tambewadi, Tq. Paranda. District Osmanabad under the same Award and awarded the compensation to the acquired lands in those reference petitions @ Rs.72,000/- per acre by treating the said lands as seasonally irrigated lands. This Court by the judgment and order dated 10.9.2015 in the aforesaid First Appeal nos.1365/2013 and First appeal no. 1363/2013 confirmed the order passed by the Reference Court in the said LAR no.511/1994 and 512/1994.

5. The learned counsel for the appellant acquiring body submits that the acquiring body has not preferred any appeal against the order passed by this Court in the aforesaid First Appeal Nos.1365/2013 with FA No.1363/2013.

6. In the present group of appeals, except in FA No.2948/2011 in other first appeals, the reference Court has awarded the compensation with enhanced rate of

Rs.72,000/- by treating the acquired lands as seasonally irrigated lands and the Reference Court has awarded the said compensation at the said enhanced rate by relying upon the same sale instance dated 3.4.1987 of village Umbarage.

7. The learned counsel appearing for the appellant-acquiring body has also accepted this position that order passed by this Court in FA No.1365/2013 and FA No.1363/2013 has now attained the finality.

8. In view of the above, there is no reason to take any other view in the aforesaid group of first appeals. So far as First Appeal No.2948/2011 is concerned, the Reference Court has awarded the just and reasonable compensation by treating the lands as Jirayat Land and as such, no interference is required in it.

9. In view of the above, there is no substance in the first appeals. In view of the above discussion, all the First Appeals are liable to be dismissed. Hence, following order.

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O R D E R

1. All the First Appeals are hereby dismissed.
2. In the circumstances, there shall be no order as to costs.

sd/-

(V.K. JADHAV, J.)

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