

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

FIRST APPEAL STAMP NO.22434 OF 2016

Ganesh S/o. Natharao Kavhale
Age: 39 years, Occu. Agri
R/o. Kedarwakdi, Tq. Mantha,
Dist. Jalna

...APPELLANT

VERSUS

1. The State of Maharashtra
Through Collector, Jalna
2. The Special Land Acquisition Officer,
Minor Irrigation Works, Jalna
3. The Executive Engineer,
Nimna Dudhna Project, Selu,
Dist. Parbhani,
At present Minor irrigation Office,
Motibag Jalna, Dist. Jalna

...RESPONDENTS

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Advocate for the applicant: Mr. Jadhav Kailas B.
AGP for respondent State: Mr. R.B.Bagul

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WITH

FIRST APPEAL STAMP NO. 22436 OF 2016

1. Shivaji S/o. Trimbak Kavhale
Age: 37 years, Occu.: Agri.,
2. Srinivas S/o. Trimbak Kavhale
Age: 35 years, Occu.Aгри.,

Both R/o. Kedarwakdi, Tq. Mantha
Dist - Jalna

...APPELLANTS

VERSUS

1. The State of Maharashtra
Through Collector, Jalna
2. The Special Land Acquisition Officer,
Minor Irrigation Works, Jalna
3. The Executive Engineer,
Nimna Dudhna Project, Selu,
Dist. Parbhani,
At present Minor irrigation Office,
Motibag Jalna, Dist. Jalna

...RESPONDENTS

...

Advocate for the applicant: Mr. Jadhav Kailas B.
AGP for respondent State: Mr. S.P.Sonpavale

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WITH**FIRST APPEAL STAMP NO. 30395 OF 2016**

Tukaram S/o. Apparao Kavhale
(Died.) Through His Legal Heirs

1. Sheshrao S/o. Tukaram kavhale,
Age: 42 Years, Occu. Agriculture
R/o. Kedarwadi, Tq. Mantha,
Dist. Jalna
2. Narayan S/o. Tukaram Kavhale,
Age: 39 years, Occu.:Agri.,
R/o. as above

...APPELLANTS**VERSUS**

1. The State of Maharashtra
Through Collector, Jalna
2. The Special Land Acquisition Officer,
Minor Irrigation Works, Jalna
3. The Executive Engineer,
Nimna Dudhna Project, Selu,
Dist. Parbhani

...RESPONDENTS

Advocate for the applicant: Mr. Jadhav Kailas B.
 AGP for respondent State: Mr. Mr. S.M.Ganachari
 Mr. Shyam C.Arora, Adv., for respondent no.3.

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WITH

FIRST APPEAL STAMP NO. 30119 OF 2016

1. Sudhakar S/o. Bhujangrao kavhale
 (Died) Through LRs.
 - A) Laxmibai W/o. Bhujangrao kavhale,
 Age: 75 years, Occu: Household
 - B) Yamunabai W/o. Sudhakar Kavhale
 Age: 45 years, Occu.: Household,
 - C) Digamber S/o. Sudhakar Kavhale,
 Age: 25 years, Occu.: Agril,
 - D) Vishnu S/o. Sudhakar Kavhale,
 Age: 22 Years, Occu.: Agril,
 - E) Dwarka D/o. Sudhakar Kavhale,
 Age: 23 Years, Occu.: Household,
 - F) Lakhabai W/o. Mauli Lipne,
 Age: 28 Years, occu: Household
2. Madhukar S/o. Bhujangrao Kavhale
 Age: 54 years, Occu.: Household

...APPELLANTS

VERSUS

1. The State of Maharashtra
 Through Collector, Jalna
2. The Special Land Acquisition Officer,
 Minor Irrigation Works, Jalna
3. The Executive Engineer,
 Nimna Dudhna Project, Selu,
 Dist. Parbhani,
 At present Minor irrigation Office,

Motibag Jalna, Dist. Jalna

...RESPONDENTS

...

Advocate for the applicant: Mr. Jadhav Kailas B.

AGP for respondent State: Mr. S.P.Sonpavale

Advocate for respondent no.3: Mrs. Surekha G. Chincholkar

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WITH

FIRST APPEAL STAMP NO. 32829 OF 2016

Bhanudas S/o. Bapurao Kavhale
(Died) Through His Legal Heirs

1. Limbaji S/o. Bhanudas Kavhale
Age: 36 years Occu. Agri.,
R/o. Kedarwadi, Tq. Mantha
Dist. Jalna

...APPELLANTS

VERSUS

1. The State of Maharashtra
Through Collector, Jalna
2. The Special Land Acquisition Officer,
Minor Irrigation Works, Jalna
3. The Executive Engineer,
Nimna Dudhna Project, Selu,
Dist. Parbhani.

...RESPONDENTS

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Mr. Kailas B. Jadhav, Adv., for applicants.

Mr. C.V. Dharurkar, AGP for respondent State.

Mr. S.G. Bhalerao, Adv., for respondent no.3.

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CORAM: P.R. BORA, J.

DATE : August 4th, 2017

ORAL JUDGMENT:

1. The matters are finally heard with the consent of the learned Counsel for the parties. In the present matters while allowing the applications for condonation of delay, this Court has directed to take up the matters for final disposal immediately and accordingly the matters are heard.

2. Learned Counsel appearing for the appellants tendered across the bar copy of the judgment passed by this Court (Coram : V.K.Jadhav, J.) on 3rd of July, 2017, in First Appeal No.2733/2013, with connected appeals, and also placed on record the copy of the judgment passed by this Court on 17th of July, 2017, in First Appeal No.4083/2016 with connected appeals. Both the copies are taken on record.

3. Learned Counsel for the appellants submitted that the lands which are the subject matter in the present appeals are also from village Kedarwakadi and were acquired for the same Nimna Dudhana Project. Learned Counsel submits that the present lands were acquired vide notification under Section 4 of the Land Acquisition Act, 1894, published in the official gazette on 13th May, 1995. Learned Counsel submits that in view of the judgment passed by this

Court in aforesaid two groups of appeals, the present appeals may also be allowed and the amount of compensation be enhanced on similar lines.

4. Learned A.G.P., after having gone through the copies of the judgments placed on record by the learned Counsel for the applicants, submits that companion matters are already decided by this Court vide the aforesaid two common judgments and, therefore, prayed for passing appropriate orders.

5. I have carefully perused the impugned judgments and the material placed on record. It is not in dispute that the lands which are involved in the present appeals are all from village Kedarwakdi. It is also not in dispute that all these lands were acquired vide notification under Section 4 of the Act published in Government gazette on 13th of May, 1995. It is further not in dispute that the lands which are involved in the matters of First Appeal No.2733/2013 with connected appeals decided by the learned Single Judge of this Court (Coram: V.K.Jadhav, J.) on 3rd of July, 2017, and by this Court in First Appeal No.4083/2016, with connected matters, were also acquired for the same project vide the same notification. In

view of the facts as aforesaid, I do not see any difficulty in allowing the present appeals on similar lines, and for the reasons stated in the said judgments. Hence, the following order:

ORDER

1. The market value of the lands involved in the present appeals shall be determined as per their categorization made by the Special Land Acquisition Officer in the award under Section 11 of the Act at the rate of Rs.1500/- (Rs. one Thousand five hundred) per Are for non irrigated lands; Rs.2250/- (Rs. two thousand, two hundred and fifty) per Are for semi irrigated lands, at the rate of Rs.3000/- (Rs. three thousand) per Are for perennially irrigated lands, and at the rate of Rs.750/- (Rs. seven hundred fifty) per Are for Potkharab lands, and the amount of compensation be enhanced accordingly.

2. The appellants are held entitled to the statutory benefits and interest in accordance with the provisions of the Act. Interest under Section 34 of the Act shall be paid from the date of award under Section 11 of the Act even on the compensation awarded by the Reference Court.

3. It is clarified that the applicants are not entitled for the statutory interest of the period of delay in filing respective appeals i.e. 2827, 2896, 2885, and 2916 days, as the case may be.

4. No order as to the costs.

5. The appeals stand partly allowed in above terms.

(P.R.BORA)
JUDGE

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