

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

FIRST APPEAL NO. 861 OF 2013

Sampat Uttam Late.
Age. 35 years, Occu. Agriculture,
R/o. Deola, Taluka Partur,
Dist. Jalna.

..APPELLENT...

Versus

1. The State of Maharashtra,
Through the Collector, Jalna.
Having his office at collector
office, Jalna.
2. The Special Land Acquisition
Officer, M.I.W. Jalna.
Having his office at Collector
office, Jalna.
3. The Executive Engineer,
Nimna Dudhna Project,
Having his office at Jayakwadi,
Selu, Tq. Selu, Dist- Parbhani.

...RESPONDENTS

...
WITH

FIRST APPEAL NO. 864 OF 2013

Dagdu Narayan Late,
Age. 50 years, Occu. Agriculture,
R/o. Deola, Tal. Partur,
Dist. Jalna.

...APPELLANT

VERSUS

1. The State of Maharashtra,
Through the Collector, Jalna.

Having his office at collector
office, Jalna.

2. The Special Land Acquisition
Officer, M.I.W. Jalna.
Having his office at Collector
office, Jalna.
3. The Executive Engineer,
Nimna Dudhna Project,
Having his office at Jayakwadi,
Selu, Tq. Selu, Dist- Parbhani.

...RESPONDENTS

...

WITH

FIRST APPEAL NO. 1180 OF 2013

Lahannuappa Kundlik Misal,
Age. 85 years, Occu. Agriculture,
R/o. Deola, Tal. Partur,
Dist. Jalna.

...APPELLANT

VERSUS

1. The State of Maharashtra,
Through the Collector, Jalna.
Having his office at collector
office, Jalna.
2. The Special Land Acquisition
Officer, M.I.W. Jalna.
Having his office at Collector
office, Jalna.
3. The Executive Engineer,
Nimna Dudhna Project,
Having his office at Jayakwadi,
Selu, Tq. Selu, Dist- Parbhani.

...RESPONDENTS

...

WITH

FIRST APPEAL NO. 1183 OF 2013

Kisan Namdeo Misal,
Age. 55 years, Occu. Agriculture,
R/o. Deola, Tal. Partur,
Dist. Jalna.

...APPELLANT..

VERSUS

1. The State of Maharashtra,
Through the Collector, Jalna.
Having his office at collector
office, Jalna.
2. The Special Land Acquisition
Officer, M.I.W. Jalna.
Having his office at Collector
office, Jalna.
3. The Executive Engineer,
Nimna Dudhna Project,
Having his office at Jayakwadi,
Selu, Tq. Selu, Dist- Parbhani.

...RESPONDENTS

...

WITH

FIRST APPEAL NO. 1184 OF 2013

Atmaram Dattatraya Late,
Age. 40 years, Occu. Agriculture,
R/o. Deola, Tal. Partur,
Dist. Jalna.

...APPELLANT

VERSUS

1. The State of Maharashtra,
Through the Collector, Jalna.
Having his office at collector
office, Jalna.

2. The Special Land Acquisition Officer, M.I.W. Jalna.
Having his office at Collector office, Jalna.
3. The Executive Engineer,
Nimna Dudhna Project,
Having his office at Jayakwadi,
Selu, Tq. Selu, Dist- Parbhani.

...RESPONDENTS

...

WITH

FIRST APPEAL NO. 1185 OF 2013

Bharat Dattatraya Late,
Age. 45 years, Occu. Agriculture,
R/o. Deola, Tal. Partur,
Dist. Jalna.

...APPELLANT

VERSUS

1. The State of Maharashtra,
Through the Collector, Jalna.
Having his office at collector office, Jalna.
2. The Special Land Acquisition Officer, M.I.W. Jalna.
Having his office at Collector office, Jalna.
3. The Executive Engineer,
Nimna Dudhna Project,
Having his office at Jayakwadi,
Selu, Tq. Selu, Dist- Parbhani.

...RESPONDENTS

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WITH

FIRST APPEAL NO. 1186 OF 2013

Udhav Dattatraya Late,
Age. 42 years, Occu. Agriculture,
R/o. Deola, Tal. Partur,
Dist. Jalna.

...APPELLANT

VERSUS

1. The State of Maharashtra,
Through the Collector, Jalna.
Having his office at collector
office, Jalna.
2. The Special Land Acquisition
Officer, M.I.W. Jalna.
Having his office at Collector
office, Jalna.
3. The Executive Engineer,
Nimna Dudhna Project,
Having his office at Jayakwadi,
Selu, Tq. Selu, Dist- Parbhani.

...RESPONDENTS

...

WITH

FIRST APPEAL NO. 1322 OF 2013

Baliram Baburao Late,
Age. 55 years, Occu. Agriculture,
R/o. Deola, Tal. Partur,
Dist. Jalna.

...APPELLANT

VERSUS

1. The State of Maharashtra,
Through the Collector, Jalna.
Having his office at collector
office, Jalna.
2. The Special Land Acquisition
Officer, M.I.W. Jalna.
Having his office at Collector

office, Jalna.

3. The Executive Engineer,
Nimna Dudhna Project,
Having his office at Jayakwadi,
Selu, Tq. Selu, Dist- Parbhani.

...RESPONDENTS

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WITH

FIRST APPEAL NO. 1325 OF 2013

Baliram Baburao Late,
Age. 55 years, Occu. Agriculture,
R/o. Deola, Tal. Partur,
Dist. Jalna.

...APPELLANT

VERSUS

1. The State of Maharashtra,
Through the Collector, Jalna.
Having his office at collector
office, Jalna.
2. The Special Land Acquisition
Officer, M.I.W. Jalna.
Having his office at Collector
office, Jalna.
3. The Executive Engineer,
Nimna Dudhna Project,
Having his office at Jayakwadi,
Selu, Tq. Selu, Dist- Parbhani.

...RESPONDENTS

...

WITH

FIRST APPEAL NO. 3146 OF 2013

Uttam Namdeo Misal,
Age. 55 years, Occu. Agriculture,
R/o. Deola, Tal. Partur,
Dist. Jalna.

...APPELLANT

VERSUS

1. The State of Maharashtra,
Through the Collector, Jalna.
Having his office at collector
office, Jalna.
2. The Special Land Acquisition
Officer, M.I.W. Jalna.
Having his office at Collector
office, Jalna.
3. The Executive Engineer,
Nimna Dudhna Project,
Having his office at Jayakwadi,
Selu, Tq. Selu, Dist- Parbhani.

...RESPONDENTS

...

WITH

FIRST APPEAL STAMP NO. 25209 OF 2017

Vitthal Dajiba Late

Versus

The State of Maharashtra and Others

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WITH

FIRST APPEAL STAMP NO. 25111 OF 2017

Uttam Narayan Chaval

Versus

The State of Maharashtra and Others

...

WITH

FIRST APPEAL STAMP NO. 25211 OF 2017

Guna Ashroba Late

Versus

The State of Maharashtra and Others

...

WITH
FIRST APPEAL STAMP NO.25220 OF 2017

Rukhminibai Dnyanoba Late
Versus
The State of Maharashtra and Others

...

WITH
FIRST APPEAL STAMP NO. 25218 OF 2017

Ganesh Uddhavrao Late
Versus
The State of Maharashtra and Others

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Advocate for Appellants/Claimants:Mr. D. M. Kakade.
Advocate for Respondent Nos.1 & 2: Mr.A.M.Phule/
S S Dande/B V Virdhe.
Advocate for Respondent No.3 : Mr. S. G. Bhalerao/
Mr. T. B. Bhosale.

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CORAM : V.K. JADHAV, J.

Dated: August 03, 2017

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COMMON JUDGMENT :

1. The present appeals have been filed by the original Claimants seeking enhancement in the amount of compensation awarded by the Reference Court in their respective land acquisition reference petitions. The lands which are the subject matter of present appeals came to be acquired by the Government for Lower Dudhana Project. Notification under Section 4 of the

Land Acquisition Act was published in the Government Gazette on 14th July, 1995. The Special Land Acquisition Officer has awarded the compensation ranging from Rs.489/- per Are to Rs.551/- per Are. Being aggrieved by the inadequate compensation awarded by the Special Land Acquisition Officer, the Claimants preferred the land acquisition reference petitions under Section 18 of the Land Acquisition Act. It has been contended in the said reference petitions that the Special Land Acquisition Officer has not followed the proper method of valuation. The acquired lands are the fertile having black cotton soil. The market value of the acquired lands is not less than Rs.2,000/- to Rs.2,500/- per Are. However, the Special Land Acquisition Officer has not taken into consideration the increase in the market value of the acquired land in Mantha Taluka due to Lower Dudhana Project.

2. Respondent Nos.1 and 2 have strongly resisted those reference petitions by filing the written statement. It has been contended that the Claimants have claimed

the compensation at the exorbitant rate. The Special Land Acquisition Officer has considered the location of the acquired lands and also considered the other factors for assessing the true market value of the acquired lands as on the date of acquisition. The Special Land Acquisition Officer has also classified the lands on the basis of quality of soil and also considered the genuine sale instances in respect of the lands which are comparable to the lands under acquisition. The Special Land Acquisition Officer has awarded the just and reasonable compensation.

3. The learned Judge of the Reference Court has awarded the compensation at the enhanced rate of Rs.1,200/-, Rs.1000/- per Are for dry lands, Rs.30/- per Are for Potkharab lands, Rs.1800/- per Aar for semi irrigated land. Being aggrieved by the same, the Claimants have preferred these appeals seeking enhancement of compensation.

4. The learned counsel for Appellants/original

aaa/-

Claimants submits that the lands from 22 villages came to be acquired for the Lower Dudhana Project from three different Talukas namely Selu, Partur and Mantha respectively. The learned counsel submits that this Court in First Appeal No.2740 of 2016 and other connected appeals from the same project and under same notification published under Section 4 of the Land Acquisition Act, awarded the compensation at the enhanced rate of Rs.1,500/- per Are for non-irrigated lands, Rs.2,250/- per Are for seasonally irrigated lands, Rs.3,000/- per Are for perennially irrigated lands and Rs.750/- per Are for Potkharab lands as categorized by the Reference Court in the respective awards. This Court has also upheld and maintained the statutory benefits as awarded by the Reference Court.

5. I have also heard the learned AGP for the State and the learned counsel appearing for the acquiring body. They have not disputed the above aspect.

6. On perusal of the judgment and order passed by

aaa/-

this Court in First Appeal No.2740 of 2016 and other connected appeals from the same award, it appears that this Court had an occasion to deal with the sale instances considered by the Reference Court and the submissions made on behalf of the State by the learned AGP and on behalf of the acquiring body by the respective counsel. This Court has dealt with each and every aspect of the case and awarded the compensation at the enhanced rate of Rs.1,500/- per Are for non-irrigated lands, Rs.2,250/- per Are for seasonally irrigated lands, Rs.3,000/- per Are for perennially irrigated lands and Rs.750/- per Are for Potkharab lands as categorized by the Reference Court in the respective awards. The judgment and award impugned in the appeals are thus, modified to the extent of the enhanced rate of compensation. This Court has further upheld and maintained the statutory benefits as awarded by the Reference Court. There is not reason to take any other view. Hence, the following order:

ORDER

- I. The appeals, are hereby partly allowed with proportionate costs.

aaa/-

- II. The judgments and awards impugned in the present appeals are modified to the extent that the Respondents are made jointly and severally liable to pay compensation to the Appellants at the rate of Rs.1,500/- per Are for non-irrigated lands, Rs.2,250/- per Are for seasonally irrigated lands, Rs.3,000/- per Are for perennially irrigated lands and Rs.750/- per Are for Potkharab lands as categorized by the Reference Court in the respective awards.
- III. The statutory benefits awarded by the Reference Court are upheld and maintained.
- IV. Award be drawn up as per the above modification.
- V. As undertaken by the Appellants, they shall not be entitled for the statutory benefits and interest in respect of the period of delay caused in filing the appeals by them.
- VI. Deficit Court fees, if any, be paid by the Appellants within four weeks from the date of this order.

VII. All the appeals are accordingly disposed of.

VIII. Pending civil applications, if any, stand disposed of.

sd/-

[V. K. JADHAV, J.]

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