

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

926 FIRST APPEAL NO. 1289 OF 2017

BHAGWAT TULSHIRAM CHAVAN
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER 2 UTPH,
JALGAON AND ANOTHER

...

928 FIRST APPEAL NO. 1291 OF 2017

SUPADABAI RANGANATH PATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER (2) U.T.P.
HATNUR AND ANR

...

931 FIRST APPEAL NO. 1294 OF 2017

RAMESH NARAYAN PATIL (GPA) AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER (2) U.T.P.
HATNUR AND ANR

...

935 FIRST APPEAL NO. 1298 OF 2017

DHANRAJ SHANKARAO PATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER (2) U.T.P.
HATNUR AND ANR

...

936 FIRST APPEAL NO. 1299 OF 2017

MILIND DHANRAJ PATIL
VERSUS
COLLECTOR OF JALGAON AND ORS

...

938 FIRST APPEAL NO. 1301 OF 2017

RAGHUNATH TULSHIRAM CHAVAN
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER 2 UTPH.,
JALGAON AND ANOTHER

...

940 FIRST APPEAL NO. 1303 OF 2017

CHANDRAKALABAI RAMDAS CHINCHOLE
VERSUS
THE COLLECTOR, JALGAON AND ANOTHER

...

944 FIRST APPEAL NO. 1307 OF 2017

VITTHAL TULSHIRAM CHAVAN
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER 2 UTPH,
JALGAON AND ANOTHER

...

945 FIRST APPEAL NO. 1308 OF 2017

RAMBHAU ZIPRU PATIL DIED THR LRS JASODABAI
RAMBHAU PATIL AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER- UPPER TAPI
PROJECT, (HATNUR) JALGAON AND ANR

...

WITH

FA/1309/2017

...

948 FIRST APPEAL NO. 1313 OF 2017

VASANT TULSHIRAM CHAVAN SINCE DECEASED
TULSHIRAM DECEASED LRS VITTHAL AND OTHERS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER 2, UTPH,
JALGAON AND ANOTHER

...

952 FIRST APPEAL NO. 1317 OF 2017

ANIL DAGADU BAVASKAR
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-2 UPPER TAPI
PROJECT, HATNUR AND ANR

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Advocate for Appellant : Mr Kshirsagar Hemraj P.

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Shri A.B. Kale, Advocate for appellant/s
Shri S.S. Dande/A M Phule/B V Virdhe/R B Bagul/B A Shinde,
A.G.P. for State
Mrs. Vaishali Jadhav Advocate for acquiring body.

CORAM: V.K. JADHAV, J.

DATED: 26th April, 2017.

ORAL ORDER :

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 no.	L.A.R. No.	10% deduction (Rs.)
1	Bhagwat Tulshiram Chavan	1289/2017	602/2005	4950/-
2	Supadabai Rangnath Patil	1291/2017	556/2005	4950/-
3	Ramesh Narayan Patil	1294/2017	686/2005	4050/-, 5850/-, 5850/-.
4	Raghunath Tulshiram Chavan	1301/2017	6112005	4950/-

5	Vitthal Tulshiram Chavan	1307/2017	609/2005	6075/-
6	Vasant Tulshiram Chavan	1313/2017	608/2005	4950/-
7	Dhanraj Shankarrao Patil	1298/2017	607/2005	5850/-
8	Milind Dhanraj Patil	1299/2017	796/2005	4140/-
9	Chandrakalabai Ramdas Chinchole	1303/2017	305/2004	5400/-
10	Rambhau Zipru Patil (Died) Through Lrs.	1308/2017	953/1998	1350/-
11	Kadu Lahanu Dhangar Died through L.Rs.	1309/2017	952/1998	1170/-
12	Anil Dagadu Baviskar	1317/2017	669/2005	4950/-

(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)
JUDGE

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