

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

950 FAST/34990/2014
WITH
CA/1432/2015 IN FAST/34990/2014

THE EXECUTIVE ENGINEER WAGHUR DAM DIVISION
JALGAON
VERSUS
SHANKAR ONKAR MAHAJAN DIED THROUGH LRS RAMDAS
SHANKARMAHAJAN AND ANOTHER

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951 FAST/28899/2014 WITH FA ST NOS. 28902/2014, WITH
28896/2014, WITH 31305/2014
WITH CA/2241/2015 IN FAST/28899/2014 WITH
CA/2244/2015 IN FAST/28902/2014 WITH CA/2246/2015
IN FAST/28896/2014 WITH CA/2248/2015 IN
FAST/31305/2014

THE EXECUTIVE ENGINEER WAGHUR DAM DIVISION
JALGAON
VERSUS
MADHUKAR JAIRAM MAHAJAN THR SUBHASH JAIRAM
MAHAJAN AND ANOTHER

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952 FAST/31324/2014 WITH CA/2388/2015 IN
FAST/31324/2014

THE EXECUTIVE ENGINEER WAGHUR DAM DIVISION
JALGAON
VERSUS
MIRABAI TYAMBAK BORSE AND ANOTHER

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953 FAST/30324/2014
WITH
FAST/30327/2014
WITH CA/2542/2015 IN FAST/30324/2014
WITH CA/2544/2015 IN FAST/30327/2014

THE EXECUTIVE ENGINEER WAGHUR DAM DIVISION
JALGAON
VERSUS

NARAYAN TANAJI BHIL DIED THROUGH LRS PRABHAKAR
NARAYAN BHIL AND ANOTHER

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954 FAST/35004/2014 WITH CA/3261/2015 IN
FAST/35004/2014 WITH FAST/34999/2014 WITH
CA/3263/2015 IN FAST/34999/2014 WITH
FAST/35011/2014 WITH CA/3265/2015 IN
FAST/35011/2014 WITH FAST/34996/2014 WITH
CA/3267/2015 IN FAST/34996/2014 WITH
FAST/35008/2014 WITH CA/3269/2015 IN
FAST/35008/2014

THE EXECUTIVE ENGINEER WAGHUR DAM DIVISION
JALGAON
VERSUS
CHENDU BUDHO PATIL DIED THROUGH LRS
CHANDRAKANT CHENDU PATIL AND OTHERS

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957 FAST/29795/2014 WITH CA/5988/2015 IN
FAST/29795/2014 WITH FAST/29768/2014 WITH
CA/5990/2015 IN FAST/29768/2014 WITH CA/5992/2015
IN FAST/29798/2014 WITH FAST/29780/2014 WITH
CA/5994/2015 IN FAST/29780/2014 WITH
FAST/29792/2014 WITH CA/5996/2015 IN
FAST/29792/2014 WITH FAST/29776/2014 WITH
CA/5998/2015 IN FAST/29776/2014

THE EXECUTIVE ENGINEER WAGHUR DAM DIVISION
JALGAON
VERSUS
RAMDAS SAKHARAM JOHARE AND OTHERS

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959 FAST/35025/2014 WITH CA/14496/2015 IN
FAST/35025/2014 WITH FAST/35028/2014 WITH
CA/14499/2015 IN FAST/35028/2014 FAST/33535/2014
WITH CA/14501/2015 IN FAST/33535/2014

THE EXECUTIVE ENGINEER WAGHUR DAM DIVISION
JALGAON
VERSUS
KISHOR VISHWANATH PATIL AND OTHERS

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960 FAST/34993/2014 WITH CA/14504/2015 IN
FAST/34993/2014 WITH FAST/34648/2014 WITH
CA/14506/2015 IN FAST/34648/2014 WITH
FAST/34645/2014 WITH CA/14508/2015 IN
FAST/34645/2014

THE EXECUTIVE ENGINEER WAGHUR DAM DIVISION
JALGAON
VERSUS
BARSU VITHU NARKHEDE AND ANOTHER

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961 FAST/34808/2014 WITH CA/14593/2015 IN
FAST/34808/2014 WITH FAST/34786/2014 WITH
CA/14595/2015 IN FAST/34786/2014 WITH
FAST/34796/2014 WITH FAST/34804/2014 WITH
CA/14597/2015 IN FAST/34804/2014 WITH
FAST/34813/2014 WITH CA/14599/2015 IN FAST
34804/2014 WITH CA/14601/2015 IN FAST/34813/2014

THE EXECUTIVE ENGINEER WAGHUR DAM DIVISION
JALGAON
VERSUS
MAINABAI LAXMAN PATIL AND ANOTHER

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962 FAST/33548/2014 WITH CA/14623/2015 IN
FAST/33548/2014

THE EXECUTIVE ENGINEER WAGHUR DAM DIVISION
JALGAON
VERSUS
TRYAMBAK GANPAT CHAUDHARI DIED THROUGH LRS
NIVRUTTI TRYAMBAK CHAUDHARI AND OTHERS

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963 FAST/33533/2014

THE EXECUTIVE ENGINEER WAGHUR DAM DIVISION
JALGAON
VERSUS
BHIKA SAMPAT VANJARI DIED THROUGH LRS SUPDU
BHIKA VANJARI AND OTHERS

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Advocate for Applicant : Mr D B Shinde h/f M S Deshmukh
AGP for Respondents: Mr B V Virdhe/A M Phule/S P
Sonpavale/C V Dharurkar/B A Shinde/R B Bagul/G O
Wattamwar/S S Dande

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CORAM : V.K. JADHAV, J.

Dated: April 20, 2017

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ORAL ORDER :-

1. All the above first appeals are directed against the judgment and award passed by the Reference Court in respect of the lands acquired at village Hivarkheda, Ta. Jamner, Sunasgaon for Waghur Dam/Canal Project. Notification under section 4 of the Act came to be published in respect of the acquisition of the lands on different dates for different villages, however, purpose of the acquisition is for construction of the Waghur Dam/Canal. The SLAO has awarded inadequate amount of compensation and as such, the respondent original claimants preferred reference under section 18 of the Act of 1894 for enhancement of the compensation. In the said Reference Petitions, the Reference Court has awarded compensation in respect of Bagayat Land @ Rs.4.00 lacs per Hectare, in respect of Jirayat Lands Rs.2.00 lacs per Hectare and in respect of Pot Kharab Lands Rs.1.00 lacs per hectare.

2. Being aggrieved by the judgment and award passed by the Reference Court, acquiring body has preferred above mentioned appeals challenging the judgment and award passed by the Reference Court. The Reference Court has awarded the compensation at the enhanced rate as mentioned above by relying on sale instance dated 16.1.1996 in respect of the 50 Aars of lands and sale instance dated 13.1.1997 in respect of 40 Rs of land for deciding market value of the acquired lands. The notification under section 4 of the Act, 1894 was issued on 21.8.1997, whereas both sale instances are from the same period i.e. of the year 1996-1997 respectively.

3. In a case **Special Land Acquisition Officer and another Vs. Bhagwat Vithal Sonwane reported in 2009 BCI 19**, the Division Bench of this Court had an occasion to consider the appeals preferred by the SLAO and acquiring body against the judgment and award passed by the Reference Court in the same Award. The Division Bench of this Court has also considered those two sale instances relied upon by the Reference Court and by order dated 5.1.2009 dismissed the said appeals by confirming the order passed by the Reference Court.

4. Learned counsel appearing for the appellant/acquiring body has not disputed this position. Furthermore, in view of the judgment and award passed by the Division bench of this Court in the aforesaid case of **Special Land Acquisition Officer and another Vs. Bhagwat Vithal Sonwane reported in 2009 (4) Mh.L.J. 308**, in First Appeal (St.) No.21132/2008 with FA St Nos.12017/2008 and other connected appeals, on instructions, the S.L.A.O., Jalgaon has made statement before the Lok Adalat held on 8.4.2017 that the Government has acquiesced the judgment and award passed by the Reference Court and as such, the aforesaid appeals before the Lok-Adalat which arises out of the same Award passed in respect of the lands acquired for Waghur Dam/Canal came to be disposed off.

5. In view of the above, there is no reason to take another view. The appeals are, therefore, liable to be dismissed. Hence, following order.

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.

3. In view of dismissal of First Appeals, Civil Applications for stay do not survive for consideration and stands disposed of.

(V.K. JADHAV, J.)

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