

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1404 OF 2011

1. The State of Maharashtra
Through the Special Land Acquisition Officer
Upper Tapi Project (Hatnur) No. I
Jalgaon
Dist. Jalgaon.
2. The Executive Engineer,
U.T.P.H., Waghur Project
Jalgaon
Dist. Jalgaon

Appellants

Versus

Onkar Bhura Vanjari
Deceased through LRs.

1. Arjun Onkar Tavan
age 48 years.
2. Pandamsing Onkar Tavan
age 40 years.
3. Mirabai Narsing Rathod
age 54 years
4. Kausalybai Lakhichand Rathod
age 35 years.

All r/o Dohari Tanda
Tq. Jamner, Dist. Jalgaon

Respondents

Mr. A.M. Phule, AGP for appellants.
Mr. V.D. Gunale, advocate for respondent no. 1.

WITH
CROSS OBJECTION ST. NO. 14424 OF 2017
IN
FIRST APPEAL NO. 1404 OF 2011

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age 40 years.
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Mr. V.D. Gunale, advocate for appellants.
Mr. A.M. Phule, AGP for respondent no. 1.

CORAM : M.S. SONAK, J.
DATE : 5th JANUARY, 2018

JUDGMENT :

1. With the consent of learned counsel for the parties, this appeal is taken up for final disposal.

2. There is no dispute that the acquired lands which are subject matter of this appeal are situate in village Dohari, Tq. Jamner, Dist. Jalgaon. There is also no dispute that the acquired lands are Bagayat lands and the reference Court has awarded compensation at the rate of Rs. 3,00,000/- per Hectare.

3. Learned counsel for the parties fairly point out that this matter will stand covered by order passed on 05.01.2009 by Division Bench of this court in the matter of Special Land Acquisition Officer (III) Jalgaon and another Vs. Bhagwat Vitthal Sonawane reported in 2009(4) Mh.L.J. 308. In respect of similar Bagayat lands from village Singayat Tq. Jamner, Dist. Jalgaon, the Division Bench has determined compensation at the rate of Rs. 4,00,000/- per Hectare.

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4. Accordingly, the appeal filed by the State Government and the acquiring body will have to be dismissed and the Cross Objection filed by claimants will have to be allowed by directing that they shall be entitled to compensation at the rate of Rs. 4,00,000/- per Hectare in respect of Bagayat lands instead of Rs.3,00,000/- per Hectare which has been awarded by the reference Court. Except for this modification and the consequential benefits arising thereof, rest of the award remains undisturbed.

5. Appeal and the cross objection are disposed of in aforesaid terms.

(M.S. SONAK, J.)

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