

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
FIRST APPEAL NO.1192 OF 2005

01 Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon.

02 The Executive Engineer,
Waghur Project, Jalgaon.

Appellants.

Versus

01 Vimalbai Waman Chaudhari,
age: 50 years,

02 Subhash Waman Choudhari,
age: 25 years;

03 Narayan Waman Choudhari,
age: 23 years;

04 Ushabai Prakash Mahajan,
age: 40 years;

Occ: Agriculturists,
R/o Shingayat, Tq.Jamner,
District Jalgaon.

Respondents

WITH
FIRST APPEAL NO.1193 OF 2005

01 Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon.

02 The Executive Engineer,
Waghur Project, Jalgaon.

Appellants.

Versus

01 Dnyandeo Dayaram Chaudhari,
age: major,

02 Ganpati Dayaram Chaudhari,
age: major;

03 Priyanka Suresh Choudhari,
age: major;

04 Shantabai Dayaram Mahajan,
age: major;

05 Jyoti Suresh Choudhari;
age: major,

06 Bharati Suresh Choudhari;
age: major,

07 Prashant Suresh Choudhari;
age: major,

08 Savita Suresh Choudhari;
age: major,

09 Jaishree Kishor Dake,
age: major,

Occ: All Agriculturists,
R/o Varadshin, Tq.Bhusawal,
District Jalgaon.

Respondents

WITH
FIRST APPEAL NO.1194 OF 2005

01 Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon.

02 The Executive Engineer,
Waghur Project, Jalgaon.

Appellants.

Versus

01 Kashinath Sandu Chaudhari,
age: major,

Occ: Agriculturist,
R/o Shingayat, Tq.Jamner,
District Jalgaon.

Respondents

WITH
FIRST APPEAL NO.1195 OF 2005

01 Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon.

02 The Executive Engineer,
Waghur Project, Jalgaon.

Appellants.

Versus

01 Rukminibai Narayan Rane
age 75 years,\

02 Dwarkabai Sitaram Choudhari
age 72 years

03 Sagunabai Pandhari Bhole
age 68 years

04 Chandra Chindu Patil
age 60 years

05 Vimal Sopan Zambre
age 45 years

06 Maru Pandurang Patil
age 58 years,

07 Kamal Baliram Patil
age 56 years.

Occ: Agriculturists,
R/o Shingayat, Tq.Jamner,
District Jalgaon.

Respondents

WITH
FIRST APPEAL NO. 1196 OF 2005

FIRST APPEAL NO.1192 OF 2005

01 Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon.

02 The Executive Engineer,
Waghur Project, Jalgaon.

Appellants.

Versus

Namdeo Motiram Shekokare
age 70 years, occ. Agriculturist
r/o Vadashim, Tq. Bhusawal
Dist. Jalgaon

Respondents

WITH
FIRST APPEAL NO. 1197 OF 2005

FIRST APPEAL NO.1192 OF 2005

01 Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon.

02 The Executive Engineer,
Waghur Project, Jalgaon.

Appellants.

Versus

Pralhad Sandu Choudhari
age major,
occ. Agriculturists
R/o Shingayat, Tq. Jamner,
District Jalgaon.

Respondents

WITH
FIRST APPEAL NO. 1198 OF 2005
FIRST APPEAL NO.1192 OF 2005

01 Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon.

02 The Executive Engineer,
Waghur Project, Jalgaon.

Appellants.

Versus

01 Sukhdeo Shankar Dhangar
age 56 years,

02 Suresh Namdeo Dhangar
age 35 years

03 Sanjay Namdeo Dhangar
age 30 years

Occ: Agriculturists,
R/o Varadshhim, Tq. Bhusawal,
District Jalgaon.

Respondents

WITH
FIRST APPEAL NO. 1199 OF 2005
FIRST APPEAL NO.1192 OF 2005

01 Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon.

02 The Executive Engineer,
Waghur Project, Jalgaon.

Appellants.

Versus

01 Arjun Dashrath Patil
age 45 years,

02 Madhav Pandurang Patil
age 35 years

Occ: Agriculturists,
R/o Shingayat, Tq.Jamner,
District Jalgaon.

Respondents

WITH
FIRST APPEAL NO. 1200 OF 2005

FIRST APPEAL NO.1192 OF 2005

01 Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon.

02 The Executive Engineer,
Waghur Project, Jalgaon.

Appellants.

Versus

01 Madhav Pandurang Patil
age 45 years

02 Bhagwan Pandurang Patil
age 40 years

03 Smt. Janabai Pandurang Patil
age 60 years

04 Arun Dashrath Patil
age 50 years

Occ: Agriculturists,
R/o Shingayat, Tq.Jamner,
District Jalgaon.

Respondents

Mr.A.M.Phule, A.G.P. for appellants.

Mr.M.R.Malpani, advocate holding for Mr.A.B.Kale, advocate for
Respondents.

CORAM : M.S. SONAK, J.
DATE : 16th FEBRUARY, 2018

ORAL JUDGMENT :

1. Heard Mr. Phule, learned AGP for the appellant-State and Mr. Malpani, learned counsel holding for Mr. Kale, for respondents-claimants.

2. Learned counsel for the parties submit that all these appeals can be disposed of by common judgment and order since, all these appeals relate to acquisition of lands for Waghur project. Only the difference in these matters and the matters disposed of by the Division Bench of this Court in the case of **Special Land Acquisition Officer (III), Jalgaon and another Vs. Bhagwat Vithal Sonwane**, 2009(4) Mh.L.J. 308, is that in these matters the acquisition was under section 4 notification dated 17.08.1997 and, in the case before Division Bench, the acquisition was under section 4 notification dated 21.08.1997. This is hardly any significant difference.

3. Learned counsel for the parties point out that the issue raised in these appeals stand covered by the decision of the Division Bench of this Court in the **Bhagwat** (supra). In the said decision, the Division Bench, in respect of acquisition for the very same project and under the very same notification has determined compensation for Bagayat land at Rs. 4,00,000/- per Hectare, Jirayat land at Rs. 2,00,000/- per Hectare and for Pot Kharab land at Rs. 1,00,000/- per Hectare.

4. In all these matters, the determination of compensation by the reference Court is also the same as determined by the Division Bench in the case of **Bhagwat** (supra). Therefore, for reasons set out in the decision of the Division Bench, these appeals are liable to be dismissed and are hereby dismissed.

5. There shall be no order as to costs.

(**M.S. SONAK, J.**)

dyb