

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

920 FIRST APPEAL NO. 3951 OF 2017
WITH
CIVIL APPLICATION NO. 2638 OF 2017
WITH
CIVIL APPLICATION NO. 14833 OF 2017

- 1] The Maharashtra Krushna Valley
Development Corporation,
Through Executive Engineer,
Medium Project No.2, Osmanabad,
Dist. Osmanabad. ...Appellant
- 2] The State of Maharashtra,
Through Collector, Osmanabad.
- 3] The Land Acquisition Officer,
(M.I.W.), Bhoom, Osmanabad. ...Co-Appellants

Versus

- 1] Manohar Sidram Shingade,
Age : 45 years, Occu: Agri.
R/o : Pandharewadi, Tq. Paranda,
Dist. Osmanabad. ...Respondent
(Ori.Claimant)

WITH
920 FIRST APPEAL NO. 3952 OF 2017
WITH
CIVIL APPLICATION NO. 2646 OF 2017
WITH
CIVIL APPLICATION NO. 14834 OF 2017

- 1] The Maharashtra Krushna Valley
Development Corporation,
Through Executive Engineer,
Medium Project No.2, Osmanabad,
Dist. Osmanabad. ...Appellant

2] The State of Maharashtra,
Through Collector, Osmanabad.

3] The Land Acquisition Officer,
(M.I.W.), Bhoom, Osmanabad.

...Co-Appellants
(Ori.Resp.No.1&3)

Versus

1] Rajendra Dhondiram Hadgale,
Age : 35 years, Occu: Agri.
R/o : Pandharewadi, Tq. Paranda,
Dist. Osmanabad.

...Respondent
(Ori. Claimant)

WITH
920 FIRST APPEAL NO. 3953 OF 2017
WITH
CIVIL APPLICATION NO. 2644 OF 2017
WITH
CIVIL APPLICATION NO. 14835 OF 2017

1] The Maharashtra Krushna Valley
Development Corporation,
Through Executive Engineer,
Medium Project No.2, Osmanabad,
Dist. Osmanabad.

...Appellant

2] The State of Maharashtra,
Through Collector, Osmanabad.

3] The Land Acquisition Officer,
(M.I.W.), Bhoom, Osmanabad.

...Co-Appellants
(Ori.Resp.No.1&3)

Versus

1] Sarjerao Dagadu Burange,
Age : 45 years, Occu: Agri.
R/o : Pandharewadi, Tq. Paranda,
Dist. Osmanabad.

...Respondent
(Ori.Claimant)

WITH
920 FIRST APPEAL NO. 3954 OF 2017
WITH
CIVIL APPLICATION NO. 2640 OF 2017
WITH
CIVIL APPLICATION NO. 14836 OF 2017

- 1] The Maharashtra Krushna Valley
Development Corporation,
Through Executive Engineer,
Medium Project No.2, Osmanabad,
Dist. Osmanabad. ...Appellant
 - 2] The State of Maharashtra,
Through Collector, Osmanabad.
 - 3] The Land Acquisition Officer,
(M.I.W.), Bhoom, Osmanabad. ...Co-Appellants
(Ori.Resp.No.1&3)
- Versus
- 1] Jawahar Rmchandra Khatake,
Age : 45 years, Occu: Agri.
R/o : Pandharewadi, Tq. Paranda,
Dist. Osmanabad. ...Respondent
(Ori.Claimant)

WITH
920 FIRST APPEAL NO. 3955 OF 2017
WITH
CIVIL APPLICATION NO. 2642 OF 2017
WITH
CIVIL APPLICATION NO. 14837 OF 2017

- 1] The Maharashtra Krushna Valley
Development Corporation,
Through Executive Engineer,
Medium Project No.2, Osmanabad,
Dist. Osmanabad. ...Appellant

2] The State of Maharashtra,
Through Collector, Osmanabad.

3] The Land Acquisition Officer,
(M.I.W.), Bhoom, Osmanabad.

...Co-Appellants
(Ori.Resp.No.1&3)

Versus

1] Nana Laxman Khatake,
Age : 42 years, Occu: Agri.

2] Pappu Laxman Khatake,
Age : 45 years, Occu. Agri,

R/o : Pandharewadi, Tq. Paranda,
Dist. Osmanabad.

...Respondent
(Ori.Claimant)

Advocate for Appellant : Mr. A.M.Gaikwad
AGP for Respondent/State: Mr. A.B. Basarkar
Advocate for Respondent No.1 : Mr. A.S. More

CORAM : A.M. DHAVALÉ,J.

DATE: 7th AUGUST, 2018

ORAL JUDGMENT :

1. Heard. Admit. With the consent of the parties, taken up for for final hearing.

2. It is not disputed that these Appeals filed by Maharashtra Krushna Valley Development Corporation are arising out of the award passed on 15.12.2004 in respect of the land acquired by notification dated 14.06.2001.

3. The Land Acquisition Officer has awarded compensation to all the claimants @ 340/- per R. The land reference court enhanced compensation to Rs.2,500/- per R i.e. Rs.1,00,000/- per acre. The Acquiring Body/Maharashtra Krushna Valley Development Corporation preferred separate Appeals against the claimants. In a group of First Appeal No.1872 of 2017 and connected matters, my brother Judge by judgment dated 10.04.2018 dismissed the Appeals filed by MKVDC, but in exercise of powers under Order 41, Rule 33 of the Civil Procedure Code, 1908, enhanced the compensation amount from Rs. 1,00,000/- to Rs. 1,06,666/-. The same view was adopted by me in First Appeal No. 1872 of 2017 decided on 1st August, 2018.

4. Learned advocate for both the sides submit that these appeals are covered by the same facts and law. Hence, the same course can be adopted.

5. In view of the submissions, I pass following order :-

O R D E R

(a) The Appeals are dismissed. However, the rate of compensation granted by the Reference Court is modified

from Rs.1,00,000/ per acre to Rs. 1,06,066/- per Acre with additional consequential benefits in accordance with increase in the basic value of the lands.

(b) The respondent shall pay deficit Court fees.

(c) On depositing Court fees within four weeks, the decree shall be drawn accordingly.

(d) In case of failure to deposit the Court fees within stipulated period, the appeal simply stands dismissed.

(e) It is reported that decreetal amount has been deposited in the Court. The Registrar (Judicial) to pay the same to the claimant as per the Judgment, on identification of the Legal Heirship Certificate/Succession Certificate, if required, under the law.

(f) Pending Civil Application/s if any, stand/s disposed of.

(A.M.DHAVAL, J)

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