

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL No. 608 OF 2001

The State of Maharashtra ... Appellant
Vs.
Bhagwant T. Gavane (Decd.)
through Babanrao Balasaheb Gavhane & Ors. ... Respondents

**WITH
CIVIL APPLICATION NO. 1556 OF 2009
IN
FIRST APPEAL No. 608 OF 2001**

Bhagwant T. Gavane (Decd.)
through Babanrao Balasaheb Gavhane & Ors. ... Applicants
Vs.
The State of Maharashtra ... Respondent

**WITH
CIVIL APPLICATION NO. 4576 OF 2010
IN
FIRST APPEAL No. 608 OF 2001**

Maharashtra Krishna Valley Development Corp. ... Applicant
Vs.
The State of Maharashtra & Anr. ... Respondents

a/w.
FIRST APPEAL No. 609 OF 2001

The State of Maharashtra ... Appellant
Vs.
Ramchandra Khandu Dherange ... Respondent

**WITH
CIVIL APPLICATION NO. 4577 OF 2010
IN
FIRST APPEAL No. 609 OF 2001**

Maharashtra Krishna Valley Development Corp. ... Applicant
Vs.
The State of Maharashtra ... Respondent

a/w.

FIRST APPEAL No. 610 OF 2001

The State of Maharashtra ... Appellant
Vs.
Sopan Rambhau Gawane & Ors. ... Respondents

WITH

CIVIL APPLICATION NO. 4578 OF 2010

IN

FIRST APPEAL No. 610 OF 2001

Maharashtra Krishna Valley Development Corp. ... Applicant
Vs.
The State of Maharashtra & Anr. ... Respondents

a/w.

FIRST APPEAL No. 611 OF 2001

The State of Maharashtra ... Appellant
Vs.
Dashrath Tatyaba Gavhane ... Respondent

WITH

CIVIL APPLICATION NO. 4579 OF 2010

IN

FIRST APPEAL No. 611 OF 2001

Maharashtra Krishna Valley Development Corp. ... Applicant
Vs.
The State of Maharashtra & Anr. ... Respondents

a/w.

FIRST APPEAL No. 612 OF 2001

The State of Maharashtra ... Appellant
Vs.
Sahebrao Ranchandra Sawashe ... Respondent

**WITH
CIVIL APPLICATION NO. 4580 OF 2010
IN
FIRST APPEAL No. 612 OF 2001**

Maharashtra Krishna Valley Development Corp.	... Applicant
Vs.	
The State of Maharashtra & Anr.	... Respondents

a/w.
FIRST APPEAL No. 613 OF 2001

The State of Maharashtra	... Appellant
Vs.	
Dattu Shankar Bhandwalkar	... Respondent

**WITH
CIVIL APPLICATION NO. 4581 OF 2010
IN
FIRST APPEAL No. 613 OF 2001**

Maharashtra Krishna Valley Development Corp.	... Applicant
Vs.	
The State of Maharashtra & Anr.	... Respondents

a/w.
FIRST APPEAL No. 614 OF 2001

The State of Maharashtra	... Appellant
Vs.	
Shewantabai Baburao Gawane (Decd.) by LRs.	... Respondents

**WITH
CIVIL APPLICATION NO. 4582 OF 2010
IN
FIRST APPEAL No. 614 OF 2001**

Maharashtra Krishna Valley Development Corp.	... Applicant
Vs.	
The State of Maharashtra & Anr.	... Respondents

a/w.

FIRST APPEAL No. 615 OF 2001

The State of Maharashtra	... Appellant
Vs.	
Devchand Tatyaba Nabage	... Respondent

WITH

CIVIL APPLICATION NO. 4583 OF 2010

IN

FIRST APPEAL No. 615 OF 2001

Maharashtra Krishna Valley Development Corp.	... Applicant
Vs.	
The State of Maharashtra & Anr.	... Respondents

a/w.

FIRST APPEAL No. 616 OF 2001

The State of Maharashtra	... Appellant
Vs.	
Kundlik Mehadu Gawane	... Respondent

WITH

CIVIL APPLICATION NO. 4584 OF 2010

IN

FIRST APPEAL No. 616 OF 2001

Maharashtra Krishna Valley Development Corp.	... Applicant
Vs.	
The State of Maharashtra & Anr.	... Respondents

a/w.

FIRST APPEAL No. 617 OF 2001

The State of Maharashtra	... Appellant
Vs.	
Balu Baburao Bhandwalkar	... Respondent

**WITH
CIVIL APPLICATION NO. 4585 OF 2010
IN
FIRST APPEAL No. 617 OF 2001**

Maharashtra Krishna Valley Development Corp.	...	Applicant
Vs.		
The State of Maharashtra & Anr.	...	Respondents
a/w.		

FIRST APPEAL No. 618 OF 2001

The State of Maharashtra	...	Appellant
Vs.		
Sahaji Pirbhau Gawane	...	Respondent

**WITH
CIVIL APPLICATION NO. 4586 OF 2010
IN
FIRST APPEAL No. 618 OF 2001**

Maharashtra Krishna Valley Development Corp.	...	Applicant
Vs.		
The State of Maharashtra & Anr.	...	Respondents
a/w.		

FIRST APPEAL No. 619 OF 2001

The State of Maharashtra	...	Appellant
Vs.		
Shankar Sabaji Gawane	...	Respondent
a/w.		

FIRST APPEAL No. 620 OF 2001

The State of Maharashtra	...	Appellant
Vs.		
Hansabai Masku Gawane	...	Respondent

**WITH
CIVIL APPLICATION NO. 4587 OF 2010
IN
FIRST APPEAL No. 620 OF 2001**

Maharashtra Krishna Valley Development Corp.	...	Applicant
Vs.		
The State of Maharashtra & Anr.	...	Respondents

a/w.
FIRST APPEAL No. 621 OF 2001

The State of Maharashtra	... Appellant
Vs.	
Shamrao Haribhau Patekari	... Respondent

WITH
CIVIL APPLICATION NO. 4588 OF 2010
IN
FIRST APPEAL No. 621 OF 2001

Maharashtra Krishna Valley Development Corp.	... Applicant
Vs.	
The State of Maharashtra & Anr.	... Respondents

a/w.
FIRST APPEAL No. 622 OF 2001

The State of Maharashtra	... Appellant
Vs.	
Shivaji Madhavrao Dherange	... Respondent

CIVIL APPLICATION NO. 4589 OF 2010
IN
FIRST APPEAL No. 622 OF 2001

Maharashtra Krishna Valley Development Corp.	... Applicant
Vs.	
The State of Maharashtra & Anr.	... Respondents

a/w.
FIRST APPEAL No. 623 OF 2001

The State of Maharashtra	... Appellant
Vs.	
Nivrutti Jaywant Sathe	... Respondent

WITH
CIVIL APPLICATION NO. 4590 OF 2010
IN
FIRST APPEAL No. 623 OF 2001

Maharashtra Krishna Valley Development Corp.	... Applicant
Vs.	
The State of Maharashtra & Anr.	... Respondents

a/w.
FIRST APPEAL No. 624 OF 2001

The State of Maharashtra	... Appellant
Vs.	
Bapu Babu Dherange (Decd.) by LRs	... Respondents

WITH
CIVIL APPLICATION NO. 4591 OF 2010
IN
FIRST APPEAL No. 624 OF 2001

Maharashtra Krishna Valley Development Corp.	... Applicant
Vs.	
The State of Maharashtra & Anr.	... Respondents

a/w.
FIRST APPEAL No. 625 OF 2001

The State of Maharashtra	... Appellant
Vs.	
Sakhubai Ranba Gawane	... Respondent

WITH
CIVIL APPLICATION NO. 3488 OF 2006
IN
FIRST APPEAL No. 625 OF 2001

Sakhubai Ranba Gawane	... Applicant
Vs.	
The State of Maharashtra	... Respondent

a/w.
FIRST APPEAL No. 626 OF 2001

The State of Maharashtra	... Appellant
Vs.	
Ramu Ganpat Bhandare (Decd.) by LRs.	... Respondents

WITH
CIVIL APPLICATION NO. 3489 OF 2006
IN
FIRST APPEAL No. 626 OF 2001

Ramu Ganpat Bhandare D/H Sunil	
Rambhau Bhandare & Ors.	... Applicants
Vs.	
The State of Maharashtra	... Respondent

a/w.

FIRST APPEAL No. 627 OF 2001

The State of Maharashtra	... Appellant
Vs.	
Khandu Yeshwant Bandhe	... Respondent

WITH

CIVIL APPLICATION NO. 3490 OF 2006

IN

FIRST APPEAL No. 627 OF 2001

Khandu Yeshwant Bade	... Applicant
Vs.	
The State of Maharashtra	... Respondent

a/w.

FIRST APPEAL No. 628 OF 2001

The State of Maharashtra	... Appellant
Vs.	
Goraksha Pandhrinath Shivale	... Respondent

WITH

CIVIL APPLICATION NO. 4592 OF 2010

IN

FIRST APPEAL No. 628 OF 2001

Maharashtra Krishna Valley Development Corp.	... Applicant
Vs.	
The State of Maharashtra & Anr.	... Respondents

a/w.

FIRST APPEAL No. 629 OF 2001

The State of Maharashtra	... Appellant
Vs.	
Sopan Sabaji Gavhane	... Respondent

WITH

CIVIL APPLICATION NO. 3491 OF 2006

IN

FIRST APPEAL No. 629 OF 2001

Sopan Sabaji Gavhane	... Applicant
Vs.	
The State of Maharashtra	... Respondent

**WITH
CIVIL APPLICATION NO. 4593 OF 2010
IN
FIRST APPEAL No. 629 OF 2001**

Maharashtra Krishna Valley Development Corp.	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

a/w.
FIRST APPEAL No. 630 OF 2001

The State of Maharashtra	...	Appellant
Vs.		
Baban Bhika Supekar	...	Respondent

**WITH
CIVIL APPLICATION NO. 3492 OF 2006
IN
FIRST APPEAL No. 630 OF 2001**

Baban Bhika Supekar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

a/w.
FIRST APPEAL No. 631 OF 2001

The State of Maharashtra	...	Appellant
Vs.		
Namdeo Kondiba Gavhane (Decd.) by LRs.	...	Respondents

**WITH
CIVIL APPLICATION NO. 3493 OF 2006
WITH
CIVIL APPLICATION NO. 3498 OF 2006
IN
FIRST APPEAL No. 631 OF 2001**

Namdeo Kondiba Gavhane (Decd.)		
D/H. Gulab N. Gavhane & Ors.	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

a/w.

FIRST APPEAL No. 632 OF 2001

The State of Maharashtra

... Appellant

Vs.

Jagannath Maruti Sawashe

... Respondent

WITH**CIVIL APPLICATION NO. 3494 OF 2006****IN****FIRST APPEAL No. 632 OF 2001**

Jagannath Maruti Sawashe

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr. A.R. Patil, AGP for the appellant/State.

Mr. P.N. Joshi a/w. Mr. Pratik B. Rahade, Advocate for the respondents.

Mr. D.D. Shinde, Advocate for the intervener.

CORAM: MRS.MRIDULA BHATKAR, J.**DATE: 18th January, 2018.****P.C.:**

All these 25 Appeals are heard and disposed of by this common judgment and order, as the issue involved is one and the same and similar issue is decided earlier by the Division Bench of this Court.

2. All the lands situated at Village Koregaon-Bhima, Taluka Shirur, District Pune and these lands were acquired for Rehabilitation of Chaskman Project Affected Persons. The Special Land Acquisition Office issued notice on 10th October, 1988 under section 4 of the Land Acquisition Act and declared award under section 11 on 28th February, 1991. The possession of the lands were taken in March 1991. The

claimants were not satisfied with the price fixed and compensation granted by the Special Land Acquisition Officer, hence the matter was taken before the Collector and thereafter all the respondents/original claimants filed respective Land Reference under section 18(2) of the Land Acquisition Act before the District Court, Pune. The claimants pleaded that their lands were of superior quality and horticulture land, however, the Special Land Acquisition Officer did not consider the quality of the lands and has under-valued the lands. The claimants demanded that the market price of the lands is to be fixed at Rs.3 lakhs per hectare. The State of Maharashtra opposed the claim by filing written statement and justified the classification of the lands and the decision of the Special Land Acquisition Officer. The Reference Court framed issues and after considering the oral as well as documentary evidence, enhanced the compensation by fixing the market value of the acquired land at Rs.3,00,000/- per hectare and granted other statutory benefits. The Reference Court decided and disposed of all the Land References in this group by judgment and order dated 31st August, 2000. Being aggrieved by the said judgment and award, the State of Maharashtra filed these First Appeals.

3. In between, the respondents filed Applications under Order 41 Rule 21 of the Code of Civil Procedure for placing additional documents

on record by way of evidence. They wanted to bring two judgments of the Division Bench of this Court on record. The said Applications were allowed by the order of this Court dated 22nd April, 2009.

4. Meanwhile, the third party – Maharashtra Krishna Valley Development Corporation filed Intervention Applications in these First Appeals. The applicant claimed that Chaskman Project is one of its projects and the applicant, established by the State, is an acquiring body and the amount of compensation is to be paid by the applicant.

5. All these Applications are pending. The Division Bench of this Court in the **State of Maharashtra & Ors. vs. Ganesh Sakharam Kokate & Ors., reported in 2008(5) ALL MR 84**, held that the beneficiary body is an interested person and may in law even be termed as a necessary party keeping in view the scheme of the provisions of the Land Acquisition Act. Therefore, the Division Bench has allowed the applicant-Maharashtra Krishna Valley Development Corporation to intervene and further also held that appropriate opportunity was not given to the intervener/Corporation and therefore, the matter was remanded to the Reference Court to give opportunity to lead evidence

and participate in the proceedings. Thus, in view of the finding given by the Division Bench, all the Intervention Applications of Maharashtra Krishna Valley Development Corporation are allowed and they are made party to the proceedings in these Appeals. However, I am not inclined to remand the matters to the Reference Court in view of further developments which have taken place in group of matters connected with the similar acquisition of the lands for the same project. Thus, all the Civil Applications for intervention are disposed of.

6. The learned AGP, the learned counsel for the respondents/original claimants and the learned counsel for the intervener-Maharashtra Krishna Valley Development Corporation, have submitted that another group of Land References, i.e., 431 of 1993 and other related Land References, wherein the lands were acquired under the same notification for Chaskman Project, were decided on 9th August, 1999 by the 4th Joint Civil Judge Senior Division. Against the said order, the State of Maharashtra filed Appeals, i.e. First Appeal No. 486 of 2000 along related First Appeals and the Division Bench of this Court by judgment and order dated 8th October, 2008 decided these First Appeals. The said judgment of the Division Bench was challenged by the acquiring body, i.e., Maharashtra Krishna Valley Development Corporation, Pune by preferring SLP Nos. 3743-3752/2009 in the

Supreme Court. Hence, the order of the Division Bench was stayed. However, by the order dated 27th July, 2015, the SLPs were dismissed by the Hon'ble Supreme Court. In the result, the original judgment and order of the Division Bench dated 8th October, 2008 passed in First Appeal No. 486 of 2000 and other connected First Appeals is confirmed.

7. In view of these further developments and considering the confirmation of the judgment and order dated 8th October, 2008 in First Appeal No. 486 of 2000 and connected Appeals, I am of the view that it is not necessary to remand the matter and these Appeals are to be decided as per the view taken by the Division Bench in First Appeal No. 486 of 2000 & other connected Appeals. In the said Appeals, the Division Bench has referred the judgment and award passed by the Reference Court wherein the Reference Court has discussed the comparable sale instances and by applying the principal of average, determined the market price at Rs.3,01,064/- per hectare. However, in the said group of First appeals, the price for per hectare was fixed and awarded for Rs.2,50,000/-. The Division Bench in paragraph 15 of the said order has observed as follows:

“15. As we have already indicated that the learned Reference Court took the average of price of sale instances right from the years 1985 to 1987 from sale deeds Exhibits 22 to 24 and

Exhibits 26 and 27 and has determined the market price at Rs.3,01,064/-. However, thereafter, the Reference Court reduced the same to Rs.2,50,000/- as that was the maximum amount claimed by the Claimants. Thus, the Court has already granted to the claimants an amount lesser than what in fact had been determined in the judgment under appeal.”

8. In the present matter, as pointed out by the learned counsel Mr. Joshi for the respondents that all the claimants have demanded that the market price of the lands acquired is to be enhanced and fixed for Rs.3,00,000/- per hectare. Before the Reference Court, Exhibit 27, i.e., a post notification sale instance of the year 1996 where the market price comes to Rs.10,00,000/- per hectare and therefore, the Reference Court has rightly considered the judgment and award passed in Land Reference No. 431 of 1993 wherein the Court held the market price of Rs.3,00,000/- per hectare. In view of this, in all these First Appeals, the view taken by the Reference Court fixing the market value of the respective lands acquired as Rs.3,00,000/- per hectare is correct and is to be accepted as just and reasonable compensation. Hence, all the First Appeals filed by the State of Maharashtra are dismissed.

9. It is submitted by the learned counsel that only 75% of the amount was deposited by the acquiring body and the remaining amount along with interest is not deposited.

10. The appellant/intervener are directed to deposit the remaining amount of award along with interest accrued thereon within four months after the computation of the amount by the Reference Court.

11. In view of this, the bank guarantee, if any given by the respondent nos. 2A to 2G against the withdrawal of the amount of compensation earlier, are cancelled on giving applications to the concerned banks.

12. Civil Applications is also accordingly disposed of.

(MRIDULA BHATKAR, J.)