

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO. 1267 OF 1998
WITH
CROSS OBJECTION (ST.) NO. 30776 OF 1999
WITH
CIVIL APPLICATION NO. 2020 OF 2014
IN
FIRST APPEAL NO. 1267 OF 1998**

The State Of Maharashtra	Appellant
V/S	
Ramchandra Arjun Shirsat & Another	Respondents

**WITH
FIRST APPEAL NO. 1268 OF 1998
WITH
CROSS OBJECTION (ST.) NO. 30777 OF 1999**

The State Of Maharashtra	Appellant
V/S	
Sakubai Vithoba Kurhade	Respondent

**WITH
FIRST APPEAL NO. 1269 OF 1998
WITH
CROSS OBJECTION (ST.) NO. 30778 OF 1999**

The State Of Maharashtra	Appellant
V/S	
Hari Laxman Shelke & Ors.	Respondent

**WITH
FIRST APPEAL NO. 1270 OF 1998
WITH
CROSS OBJECTION (ST.) NO. 30782 OF 1999**

The State Of Maharashtra	Appellant
V/S	
Valu Pandurang Shirsat	Respondent

**WITH
FIRST APPEAL NO. 1271 OF 1998
WITH
CROSS OBJECTION (ST.) NO. 30783 OF 1999**

The State Of Maharashtra

....Appellant

V/S

Balkrishna Rama Shirsat

....Respondent

WITH

FIRST APPEAL NO. 1272 OF 1998

The State Of Maharashtra

....Appellant

V/S

Khandu Tukaram Shirsat & Anr.

....Respondent

WITH

FIRST APPEAL NO. 1273 OF 1998

WITH

CROSS OBJECTION (ST.) NO. 30786 OF 1999

The State Of Maharashtra

....Appellant

V/S

Tukaram Ahilaji Shrisath & Another

....Respondents

WITH

FIRST APPEAL NO. 1274 OF 1998

WITH

CROSS OBJECTION (ST.) NO. 30785 OF 1999

The State Of Maharashtra

....Appellant

V/S

Ambadas R. Shirsat & Ors.

....Respondents

WITH

FIRST APPEAL NO. 1275 OF 1998

WITH

CROSS OBJECTION (ST.) NO. 30787 OF 1999

The State Of Maharashtra

....Appellant

V/S

Shankar Kashinath Deshpande

(Deceased)

....Respondent

WITH

FIRST APPEAL NO. 1276 OF 1998

WITH

CROSS OBJECTION (ST.) NO. 30788 OF 1999

The State Of Maharashtra

....Appellant

V/S

Hari Laxman Shelke & Ors.

....Respondents

**WITH
FIRST APPEAL NO. 1277 OF 1998
WITH
CROSS OBJECTION (ST.) NO. 31058 OF 1999**

The State Of Maharashtra	Appellant
V/S	
Namdeo Govind Shirsath (Decd.)	
By Heirs & Ors.	Respondents

**WITH
FIRST APPEAL NO. 1278 OF 1998
WITH
CROSS OBJECTION (ST.) NO. 31061 OF 1999**

The State Of Maharashtra	Appellant
V/S	
Namdeo Govind Shirsath	
(Decd.) By Heirs & Ors.	Respondents

**WITH
FIRST APPEAL NO. 1279 OF 1998
WITH
CROSS OBJECTION (ST.) NO. 31063 OF 1999**

The State Of Maharashtra	Appellant
V/S	
Vithal Bhiva Shirsath & Anr.	Respondents

**WITH
FIRST APPEAL NO. 1280 OF 1998**

The State Of Maharashtra	Appellant
V/S	
Fakira Rama Shelke & Ors.	Respondents

**WITH
FIRST APPEAL NO. 1281 OF 1998
WITH
CROSS OBJECTION (ST.) NO. 31060 OF 1999**

The State Of Maharashtra	Appellant
V/S	
Shri Tukaram Ahilaji Shirsath & Anr.	Respondents

WITH

**FIRST APPEAL NO. 1282 OF 1998
WITH
CROSS OBJECTION (ST.) NO. 31062 OF 1999**

The State Of Maharashtra	Appellant
V/S	
Pundalik Punja Shelake & Another	Respondents

**WITH
FIRST APPEAL NO. 1283 OF 1998**

The State Of Maharashtra	Appellant
V/S	
Pramila Shankar Deshpande & Anr.	Respondents

**WITH
FIRST APPEAL NO. 1284 OF 1998**

The State Of Maharashtra	Appellant
V/S	
Namdeo Govind Shirsat (Deceased)	Respondent

**WITH
FIRST APPEAL NO. 1285 OF 1998
WITH
CROSS OBJECTION (ST.) NO. 31053 OF 1999**

The State Of Maharashtra	Appellant
V/S	
Laxman Chandraji Shelake (decd.)	
By Heirs & Ors.	Respondents

**WITH
FIRST APPEAL NO. 1286 OF 1998
WITH
CROSS OBJECTION (ST.) NO. 31055 OF 1999**

The State Of Maharashtra	Appellant
V/S	
Namdeo Govind Shirsat (Deceased)	Respondent

**WITH
FIRST APPEAL NO. 1287 OF 1998**

The State Of Maharashtra	Appellant
V/S	
Kisan Bhikaji Shirsat	Respondent

WITH

FIRST APPEAL NO. 1288 OF 1998

The State Of MaharashtraAppellant

V/S

Bhima Kondaji Naik (more) (Deceased)Respondent

WITH**FIRST APPEAL NO. 1289 OF 1998****WITH****CROSS OBJECTION (ST.) NO. 31057 OF 1999**

The State Of MaharashtraAppellant

V/S

Mahadu Chandraji Shelake (Decd.)

By N.M.ShelakeRespondent

WITH**FIRST APPEAL NO. 1290 OF 1998****WITH****CROSS OBJECTION (ST.) NO. 31054 OF 1999**

The State Of MaharashtraAppellant

V/S

Laxman Chandraji Shelake (Deceased)Respondent

WITH**FIRST APPEAL NO. 1291 OF 1998****WITH****CROSS OBJECTION (ST.) NO. 31056 OF 1999**

The State Of MaharashtraAppellant

V/S

Mahadu Shankar Dholi (Deceased)Respondent

WITH**FIRST APPEAL NO. 1292 OF 1998****WITH****CROSS OBJECTION (ST.) NO. 31572 OF 1999**

The State Of MaharashtraAppellant

V/S

Khandu Tukaram ShirsathRespondent

WITH**FIRST APPEAL NO. 1293 OF 1998****WITH****CROSS OBJECTION (ST.) NO. 31166 OF 1999**

The State Of MaharashtraAppellant

V/S

Smt. Dagadi W/o. Bala Kanadi

....Respondent

WITH

FIRST APPEAL NO. 1294 OF 1998

WITH

CROSS OBJECTION (ST.) NO. 31574 OF 1999

The State Of Maharashtra

....Appellant

V/S

Nana Sahasu Shirsath

....Respondent

WITH

FIRST APPEAL NO. 1295 OF 1998

WITH

CROSS OBJECTION (ST.) NO. 31167 OF 1999

The State Of Maharashtra

....Appellant

V/S

Vitthal Bhiva Shirsath

....Respondent

WITH

FIRST APPEAL NO. 1296 OF 1998

The State Of Maharashtra

....Appellant

V/S

Sakubai W/o. Vitthoba Kurhade

....Respondent

WITH

FIRST APPEAL NO. 1297 OF 1998

WITH

CROSS OBJECTION (ST.) NO. 31170 OF 1999

The State Of Maharashtra

....Appellant

V/S

Valu Pandurang Shirsath

....Respondent

WITH

FIRST APPEAL NO. 1298 OF 1998

WITH

CROSS OBJECTION (ST.) NO. 31576 OF 1999

The State Of Maharashtra

....Appellant

V/S

Nivrutti Sawaliram Shirsath

....Respondent

WITH

FIRST APPEAL NO. 1299 OF 1998

The State Of Maharashtra	Appellant
V/S	
Mahadu Dagadu Shirsath	Respondent

**WITH
FIRST APPEAL NO. 1300 OF 1998
WITH
CROSS OBJECTION (ST.) NO. 31580 OF 1999**

The State Of Maharashtra	Appellant
V/S	
Gangadhar Ganpat Borade & Others	Respondents

**WITH
FIRST APPEAL NO. 1301 OF 1998**

The State Of Maharashtra	Appellant
V/S	
Rajaram Mohana Jadhav & Others	Respondents

**WITH
FIRST APPEAL NO. 1302 OF 1998
WITH
CROSS OBJECTION (ST.) NO. 31172 OF 1999**

The State Of Maharashtra	Appellant
V/S	
Kashinath Laxman Bokad & Ors.	Respondents

**WITH
FIRST APPEAL NO. 1303 OF 1998**

The State Of Maharashtra	Appellant
V/S	
Shankar Mahadu Shelake	Respondent

**WITH
FIRST APPEAL NO. 1304 OF 1998**

The State Of Maharashtra	Appellant
V/S	
Smt. Bhimabai Damu Shinde (Decd.) By Heirs	Respondent

**WITH
FIRST APPEAL NO. 1305 OF 1998
WITH**

CROSS OBJECTION (ST.) NO. 31584 OF 1999

The State Of Maharashtra V/S Mahadu Chandraji Shelake (Decd.) By Heirs & Ors.	Appellant Respondents
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WITH

FIRST APPEAL NO. 1306 OF 1998

The State Of Maharashtra V/S Dada Damu Shinde	Appellant Respondents
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Mr.A.R.Patil, Assistant Government Pleader for Appellants.

Mr. P.N. Joshi a/w Mr.Pratik Rahade a/w Ms. Rukmini Khairnar for
Respondent/s.

Smt.Smita Gaidhani, for Respondent in FA Nos.1300/98, 1304/1998,
1305/1998,1306/98.

CORAM : A.S. CHANDURKAR, J.
ARGUMENTS WERE HEARD ON : 3RD DECEMBER 2018
JUDGMENT PRONOUNCED ON : 22ND DECEMBER 2018

JUDGMENT :

1 Since all these appeals arise out of a common judgment of the Reference Court, they are being decided by this common judgment.

2 Various lands came to be acquired by the State of Maharashtra through its Irrigation Department for the purposes of construction of a minor irrigation tank at Saradwadi, Taluka Sinner, District Nasik. Three notifications dated 09.09.1982, 14.07.1983 and 15.09.1983 were published in the Government Gazette. After following the due procedure, the Special Land Acquisition Officer passed his Awards on 19.09.1986, 25.03.1987 and 28.01.1988. In Land Acquisition Case No.12 of 1981, an amount of Rs.13,000/- per Hectare was

granted for the Jirayat Lands and Rs.19,500/- per Hectare was granted for Bagayat Lands. The lands were divided into five groups and different rates came to be granted for the different groups. In Land Acquisition Case No.12-A of 1981, amount of Rs.14,500/- per Hectare for Jirayat land was granted and Rs.21,750/- per Hectare for Bagayat land was granted. The claimants not being satisfied with the amount of compensation as granted, filed references under Section 18 of the Land Acquisition Act, 1894 (for short, 'the said Act'). The State of Maharashtra did not file any written statement. All the reference proceedings were clubbed together and evidence was led in Land Reference No.61 of 1989. After considering that evidence on record, the learned Judge of the Reference Court partly allowed the said reference proceedings and enhanced the amount of compensation. The compensation as granted was Rs.34,500/- per Hectare for Jirayat Lands under Notification dated 09.09.1982 with progressive increase as per the revenue assessment. For Bagayat Lands it was enhanced by 1½ times of the market value of Jirayat Lands. The lands were again divided into various groups and the compensation for those lands was proportionately enhanced. For Jirayat Lands under the Notifications dated 14.07.1983 and 15.09.1983, an amount of Rs.38,000/- per Hectare was granted and for Bagayat lands it was increased by 1½ times. The lands were also divided as per the revenue assessment. This adjudication has been challenged by the State of Maharashtra by filing these appeals. Some of the claimants not being satisfied with the partial enhancement in the amount of compensation as granted have filed cross-objections seeking further enhancement of compensation.

3. Shri P.N. Joshi, learned counsel for the claimants seeking further enhancement in the amount of compensation as granted by the Reference Court made the following submissions :-

(i) The Special Land Acquisition Officer as well as the learned Judge of the Reference Court erred in dividing the various lands into groups on the basis of revenue assessment of said lands. The assessment of lands as a criteria for determining the market price was unwarranted and compensation ought to be awarded on the basis of the nature of the soil after considering whether the land was irrigated, perennially irrigated or semi-irrigated and on the basis of its potentiality. In that regard, the learned counsel placed reliance on the decision in *State of Maharashtra & Another Versus Bairam Girdhar Patil* [2006(6) Mh.L.J. 82]. The learned Judge of the Reference Court thus ought to have granted compensation at a uniform rate for all lands which were treated as Jirayat Lands. Similarly, a uniform rate of compensation ought to have been granted for all Bagayat lands. It was not necessary to again sub-categorize lands that were either Jirayat or Bagayat.

(ii) Referring to the evidence on record led by the claimants it was submitted that the sale instances at Exhibits 29 and 30 indicating transactions from village Pashte which was an adjacent village ought to have been taken into consideration. At Exh.29, was the sale-deed dated 02.04.1980 indicating sale of 7 Gunthas land from village Pashte for

Rs.10,000/-. Similarly, the sale-deed at Exh.31 dated 13.02.1984 was also from the same village. Land admeasuring 16 Gunthas was sold for a consideration of Rs.30,000/-. Since both these sale transactions were from the neighbouring village, the claim for enhancement by the claimants was substantiated by bringing on record documentary evidence. Though the sale-deed at Exh.31 was a post-notification sale instance, it could also be taken into consideration. For said purpose, the learned counsel placed reliance on the decision in *Chindha Vithal Sonawane Versus Special Land Acquisition Officer* [1975 Mh.L.J. 468].

(iii) Another sale instance at Exh.27 was for sale of land admeasuring 2 acres 7 Gunthas. This sale instance was from village Saradwadi itself and on the basis of this sale instance, the consideration for 1 Hectare of land would be Rs.47,123/-. It was submitted that the learned Judge of the Reference Court, however, deducted an amount of Rs.11,000/- from the amount of sale consideration on the ground that there were standing crops in that land. There was no evidence whatsoever to indicate that the standing crops were valued at Rs.11,000/- nor was there any mention in the sale-deed that the value of the said crops was Rs.11,000/-. By erroneously deducting that amount, the rate of the Jirayat Land was wrongly fixed at Rs.35,500/- per Hectare. It was submitted that on the strength of this sale instance, an amount of Rs.50,000/- per Hectare ought to be the rate for the Jirayat lands.

(iv) If the rate of the Jirayat lands was taken at Rs.50,000/- per Hectare, the rate for Bagayat lands could be fixed at least at Rs.75,000/- per Hectare. The increase on that basis would be 1½ times of the price of Jirayat lands. Further for the subsequent notifications, an increase of about 10% per year in that amount ought to be taken into consideration. Moreover, the non-agricultural potentiality of the said land was also required to be kept in mind while determining the approximate market value of the acquired lands. It was the duty of the Court to award just and fair compensation and for said purpose the learned counsel placed reliance on the decisions in *Genu Bhivaji Rao Versus Special Land Acquisition Officer & Another* [2008 (3) Mh.L.J. 772], *State of Maharashtra & Another Versus Baliram Girdhar Patil* [2006 (6) Mh.L.J. 82], *State of Maharashtra Versus Bhaskar Namdeo Wagh & Others* [2009 (1) Mh.L.J. 299] and *Chindha Fakira Patil (D) through L.Rs. Versus Special Land Acquisition Officer, Jalgaon* [2012 (2) Mh.L.J. 530].

On the basis of the aforesaid contentions, it was submitted that considering the evidence available on record, the cross-objections deserve to be allowed and the compensation as granted by the Reference Court deserves to be further enhanced.

4 Shri A.R.Patil, learned Assistant Government Pleader for the State of Maharashtra on the other hand opposed the aforesaid submissions. According to the learned counsel,

(i) The compensation as awarded by the Special Land Acquisition Officer while passing the Award was just compensation and the Reference Court was not justified in enhancing that amount. Referring to the evidence at Exh.26 of one Vithoba Avahad, it was submitted that the said witness has purchased 2 Acres of land for Rs.41,000/- and that sale-deed was at Exh.27. It was admitted in his cross-examination that there were Wheat and Gram crops that were standing when he took possession of the said land. Therefore, the Reference Court was justified in deducting the amount of Rs.11,000/- from the total sale consideration on the basis of guess work. It was therefore not necessary to further take into consideration that amount while determining the just compensation.

(ii) Considering the fact that a sale instance of the same village from where the acquired lands were situated was brought on record, it was not necessary to take into consideration other sale instances of the adjoining villages. There was no evidence on record to indicate the actual distance between the acquired lands and lands in the adjoining village.

(iii) The escalation for the subsequent notifications after 09.09.1982 could not be granted @ 10 % per year and escalation @ 5% to 7% per year would be adequate. In that regard, the learned counsel placed reliance on the decision in *General Manager, Oil and Natural Gas Corporation Limited Versus Rameshbhai Jivanbhai Patel & Another*

[(2008) 14 SCC 745]. It was further submitted that while determining the amount of compensation, it would not be permissible to enhance the compensation by awarding amounts for the wells standing in the said lands. He referred to the decision in *O.Janardhan Reddy & Others Versus Spl.Dy.Collector, L.A. Unit-IV, LMD, Karimnagar, A.P. & Others* **[AIR 1995 SC 186]** in that regard.

(iv) In the light of the fact that no yield was possible from Potkharab land, the Reference Court was not justified in granting an amount of 50% of the value of Jirayat Lands for Potkharab lands. Referring to the decision in *Kantaben Manibhai Amin & Another Versus Special Land Acquisition Officer, Baroda* **[(1989) 4 SCC 662]**, it was submitted that 25% excess compensation over and above the market value of Jirayat lands could be granted for Bagayat lands. The claimant being in a position of the plaintiff before the Reference Court, the burden was on him to substantiate the demand for enhancement. The learned counsel referred to the decision in *Ramanlal Deochand Shah Verus State of Maharashtra & Another WITH Kantilal Manikchand Shah (Since Deceased by His LR's Versus State of Maharashtra & Another* **[(2013) 14 SCC 50]** to substantiate his contentions.

It was thus submitted that the enhancement as granted by the Reference Court was on a higher side without there being any evidence on record. Hence, the appeals as filed deserve to be allowed and the Awards as passed by the Special Land Acquisition Officer deserve to be restored.

5. The following points arise for determination:-

- (a) Whether the Reference Court has granted just and fair compensation for the acquired lands?
- (b) Whether the claimants are entitled to enhancement in the amount of compensation?

6. I have heard the learned counsel for the parties at length and with their assistance, I have perused the records of the case. I have also given due consideration to their respective contentions.

The Special Land Acquisition Officer while passing the award has taken into consideration the revenue assessment of various lands for the purposes of classifying them into different groups while awarding compensation. The learned Judge of the Reference Court has also adopted the same mode while enhancing the amount of compensation. This Court in *Baliram G. Patil* (supra) has held that the market price of agricultural land will have to normally be considered on the basis of the nature of the land as to whether it is irrigated, non-irrigated, dry crop or Jirayat land and by considering its productivity. The factors such as quality of soil and fertility are some of the aspects that can be considered. However, there is no basis for grouping of lands on the basis of their revenue assessment. That assessment was for revenue purposes and hence on that premise this Court did not accept such classification. The ratio of this decision applies to the facts of the present case and there does not appear to be any justifiable reason to classify the lands on the basis of the respective revenue assessments. It is found that since there is material available on record to categorize the land as either Jirayat Lands

or Bagayat Lands, the aspect of enhancement of compensation can be considered by treating the lands either as Jirayat lands or Bagayat lands and not on the basis of its revenue assessment.

7. Coming to the sale instances on record, there are two sale instances at Exhibit 29 and Exhibit 31. The sale instance at Exhibit 29 is dated 02.04.1980 from Village Pashte wherein land admeasuring 7 Gunthas was sold for Rs.10,000/-. The date of this sale-deed is 02.04.1980. The other sale instance at Exhibit 31 is the sale-deed dated 13.02.1984 wherein land admeasuring 16 Gunthas from Village Pashte has been sold for Rs.30,000/-. These sale-deeds were relied upon to indicate the rising trend of prices of lands in the adjoining village. It is, however, to be noted that the sale-deed dated 20.04.1982 at Exh.27 is a sale-deed from Village Saradvadi itself where the acquired lands were situated. By this sale-deed, Jirayat Land admeasuring about 85 Ares was sold for Rs.41,000/-. Considering the fact that a sale instance from the very same village from where the lands in question were acquired is available, the same would be a good piece of evidence for determining the market price of the acquired lands especially when this sale-deed is executed shortly prior to the Notification issued under Section 4 of the said Act. There is no dispute with the proposition that sale instances from adjoining villages can be taken into consideration but when the sale instance from the same village is available, it would be the best piece of evidence for determining the proper market value. The other sale-deeds at Exhibit 29 and Exhibit 31 can be referred to as an indication of the probable market

value of the lands in the vicinity. It is thus found that the learned Judge of the Reference Court was justified in relying upon the sale-deed at Exhibit 27 for determining the market value.

8. It is, however, to be noted that the learned Judge of the Reference Court while considering the sale instance at Exhibit 27 has found the value of the land per Hectare to be Rs.46,590/-. However, an amount of Rs.11,000/- has been deducted from that amount on the ground that there were standing crops in the said land. It is found that this deduction of Rs.11,000/- from the value of the lands on account of standing crops is unjustified. Firstly, there is no basis whatsoever to hold that the standing crops were valued at Rs.11,000/-. Secondly, perusal of the sale-deed in question does not indicate that the price of the land included the price of the crops. On the contrary, there is a recital in the sale-deed that the price has been fixed as per the prevailing market value of the land. Even in the cross-examination of PW2-Vithoba Awahad at Exhibit 26 there is no suggestion given that the standing crops were valued at Rs.11,000/-. Thus, in absence of any material whatsoever, it is found that the deduction of an amount of Rs.11,000/- from Rs.46,590/- was uncalled for. By making that deduction, the market value of the land was reduced to Rs.35,500/-. There was no factual as well as legal basis to reduce the value of the land on account of standing crops. As per the said sale-deed at Exhibit 27, it will have to be held that the land in question which was sold on 20.04.1982 was valued at about Rs.46,590/- per Hectare. Thus, as per the sale instance at Exhibit .27 the market value of one Hectare of land at Village Saradwadi was approximately Rs.47,000/-.

9. The first notification under Section 4 of the said Act is dated 09.09.1982 which is about 4½ months after that sale instance. Thus, the approximate market value for the purposes of determining the amount of fair compensation can be taken as Rs.50,000/- per Hectare on the date of that notification. The subsequent notification is dated 14.07.1983 which is about ten months from the earlier notification. The market value of the lands acquired under that notification can be enhanced by 8% for determining the approximate market value on 14.07.1983. The last notification is dated 15.09.1983 which is after one year from the first notification. Hence, enhancement to the extent of 10% of the market value of the market value of the lands as assessed under the first notification dated 09.09.1982 can be taken into consideration.

Though it was submitted by the learned Assistant Government Pleader by relying upon the decision in *General Manager, ONGC Ltd.* (supra) that such increase ought to be between 5% to 7.5 % for rural areas, it is found that this Court in *Genu Devajirao* (supra) while considering the prayer for enhancement of compensation for lands acquired for a somewhat similar project has considered 10% increase annually. Hence on that basis, increase of 8% from the market value as determined on 09.09.1982 and 10% for the notification dated 15.09.1983 is considered reasonable.

10. As regards the market value of Bagayat lands, it is found that the compensation can be granted at 1½ times the amount of compensation as found for the Jirayat Lands. This amount of enhancement would be reasonable in the facts of the present case. Similarly, as regards Pot-Kharab land, the same can be granted at 50% of Jirayat lands as held in *Genu Devajirao* (Supra). No separate amounts would be admissible for the wells in the light of the ratio of the decision in *O.Janardhan Reddy* (supra).

11. Thus, in the light of aforesaid discussion, it is found that the claimants have succeeded in their prayer for enhancement in the amount of compensation from the amount which was granted by the Reference Court. It is accordingly held as under :-

(a) For the Jirayat lands that are covered by the Notification dated 09.09.1982, an amount of Rs.50,000/- per Hectare is found to be just compensation for the acquired lands. For the Bagayat lands under that Notification, an amount of Rs.75,000/- per Hectare is found as reasonable market value of those lands.

(b) For the lands acquired under the notification dated 14.07.1983 for Jirayat lands, an increase at 8% per annum on the amount of Rs.50,000/- per Hectare which would come to Rs.54,000/- per Hectare is found reasonable compensation. In so far as the Bagayat lands under that notification are concerned, those lands are also entitled for 8% per annum increase in the amount of compensation on Rs.75,000/- per Hectare which would come to Rs.81,000/- per Hectare.

(c) For Jirayat lands under the notification dated 15.09.1983, 10% increase per annum on the amount of Rs.50,000/- per Hectare which comes to Rs.55,000/- per Hectare is granted as compensation. For Bagayat lands, an increase of 10% per annum on the amount of Rs.75,000/- per Hectare which comes to Rs.82,500/- per Hectare is found reasonable compensation.

(d) For the Potkharab lands, 50% of the amount of compensation as granted for Jirayat lands with increase at 8% per annum have covered under notification dated 14.07.1983 and 10% increase for Pot-Kharab lands covered by notification dated 15.09.1983 is admissible.

(e) The claimants are also entitled to receive statutory amounts as admissible under the provisions of the said Act.

(f) The judgment passed by the Reference Court dated 27.11.1997 is modified in the aforesaid terms.

(g) The deficit Court fees, if any, be recovered from the claimants before the amount of enhanced compensation is disbursed.

12. All the First Appeals filed by the State of Maharashtra are dismissed and the Cross Objections filed by the claimants are allowed in terms of aforesaid terms. Parties shall bear their own costs. The civil applications are disposed of.

(A.S. CHANDURKAR, J.)