

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

First Appeal NO 390 Of 2004

Maharashtra Industrial Development Corporation
A Corporate body,
per its Divisional Officer,
Divisional Office Latur = Appellant
(Orig. Resp.No.3)

VERSUS

1. Venkati S/o Kishanrao Jadhav
Age 30 yrs, Occ: Agri,
R/o Kushnoor, Tq. Biloli,
Dist. Nanded (Ori. Claimant/s)
2. The State of Maharashtra
Through District Collector,
Nanded (Ori.Resp.No.1)
3. The Sub Divisional Officer &
Land Acquisition Officer,
Degloor, Dist. Nanded (Ori. Resp.No.2)

...Respondents

Shri S. S. Dande, Adv. for Appellant;
Shri M.M.Patil(Beedkar),Adv. for Resp.No.1;
Shri S.J.Salgare, AGP for Resp.NO. 2 & 3.

WITH

First Appeal NO.350 Of 2003

Maharashtra Industrial Development Corporation
A Corporate body,
Per its Regional Office,
Latur, Regional Office Latur = Appellant.
(Orig. Resp.No.3)

VERSUS

1. Venkatrao S/o Nagorao Jadhav
Age 40 yrs, Occ: Agri,
R/o Kushnoor, Tq. Biloli,

(2)

- Dist. Nanded (Ori. Claimant)
2. The State of Maharashtra
per District Collector,
Colloectroate, Nanded (Original
Respdt. No.1)
3. The Sub Divisional Officer &
Land Acquisition Officer,
Degloor, Dist. Nanded (Original
Respdt. No.2)

...Respondents

Shri. S. S. Dande, Adv. for Appellant;
Shri. M.M.Patil(Beedkar), Adv. for Resp. for No.1;
Shri. S.J.Salgare, AGP for Resp.NO. 2 & 3.

WITH

First Appeal NO.352 Of 2003

Maharashtra Industrial Development Corporation
A Corporate body,
per its Regional Office,
Latur, Regional Office Latur = Appellant.
(Orig. Resp.No.3)

VERSUS

1. Vithal S/o Nagorao Jadhav
Age 32 yrs, Occ: Agri,
R/o Kushnoor, Tq. Biloli,
Dist. Nanded (Ori. Claimant)
2. The State of Maharashtra
per District Collector,
Colloectroate, Nanded (Original
Respdt. No.1)
2. The Sub Divisional Officer &
Land Acquisition Officer,
Degloor, Dist. Nanded (Original
Respdt. No. 2)

...Respondents

Shri. S. S. Dande, Adv. for Appellant;
Shri. M.M.Patil(Beedkar), Adv. for Resp. for No.1;

Shri. S.J.Salgare, AGP for Resp.NO. 2 & 3.
WITH

First Appeal NO.1443 of 2003

Maharashtra Industrial Development Corporation
A Corporate body,
per its Divisional Officer,
Latur, Division Office, Latur = Appellant.
(Orig. Resp.No.3)

VERSUS

1. Kerba S/o Sambhaji Jadhav
Age 45 yrs, Occ: Agri,
R/o Kushnoor, Tq. Biloli,
Dist. Nanded
Died through L.R.
- 1-1 Smt. Gangabai Kerba Jadhav,
Age 45 yrs, Occup. Agri.
R/o Kushnoor, Tq. Biloli,
Dist. Nanded
- 1-2 Dhananjay S/o Kerba Jadhav
Age 19 yrs, Occup. Agri.
R/o Kushnoor, Tq. Biloli,
Dist. Nanded.
- 1-3 Balaji S/o Kerba Jadhav
Age 10 yrs, Minor, U/g of Mother
Smt. Gangabai W/o Kerba Jadhav
R/o Kushnoor, Tq. Biloli,
Dist. Nanded. (Ori.Claimants)
2. The State of Maharashtra
Through District Collector,
Nanded (Ori.Resp.No.1)
3. The Sub Divisional Officer &
Land Acquisition Officer,
Degloor, Tq. Degloor
Dist. Nanded (Ori.Resp.No.2)

...Respondents

Shri S. S. Dande, Adv. for Appellant;
Shri M.V.Deshpande, Adv. for Resp.No.1-1 to 1-3;
Shri S.J.Salgare, AGP for Resp.No.2 & 3.

WITH

First Appeal NO.393 Of 2004

The Regional Officer,
Maharashtra Industrial Development
Corporation Head Office Latur = Appellant.
(Ori.Resp.No.3)

VERSUS

1. Pandit Govindrao Jadhav
Age 22 yrs, Occ: Agri.,
R/o Kushnoor, Tq. Biloli,
Dist. Nanded (Ori.Claimant)
2. The State of Maharashtra
Through District Collector,
Nanded (Ori.Resp.No.1)
3. The Sub Divisional Officer &
Land Acquisition Officer,
Degloor, Dist. Nanded (Ori.Resp.No.2)

...Respondents

Shri S. S. Dande, Adv. for Appellant;
Shri M.M.Patil(Beedkar),Adv. for Resp. No.1;
Shri S.J.Salgare, AGP for Resp.NO.2 & 3.

WITH

First Appeal NO.559 Of 2004

The Regional Officer,
Maharashtra Industrial Development
Corporation Head Office, Latur. = Appellant.
(Ori.Resp.No.3)

VERSUS

1. Sakharam Ramchandra Rathod
Age 70 yrs, Occ: Agri.,
R/o Kushnoor, Tq. Biloli,
Dist. Nanded (Ori. Claimant)
2. The State of Maharashtra
Through District Collector,
Nanded (Ori.Resp.No.1)

(5)

3. The Sub-divisional Officer &
Land Acquisition Officer,
Degloor, Tq. Degloor
Dist. Nanded (Ori.Resp.No.2)

...Respondents

Shri. S. S. Dande, Adv. for Appellant;
Shri. M.V.Deshpande, Adv. for Resp. No.1;
Shri. S.J.Salgare, AGP for Resp.NO. 2 & 3.

WITH

First Appeal NO.1167 Of 2004

Maharashtra Industrial Development Corporation
A corporate body,
per its regional officer,
Latur, Dist: Latur.

= Appellant.
(Ori.Resp.No.3)

VERSUS

1. Ashok S/o Kondiba Kagade
Age 30 yrs, Occ: Agri.,
R/o Kushnoor, Tq. Biloli,
Dist. Nanded (Ori. Claimant)
2. The State of Maharashtra
Through District Collector,
Nanded (Ori.Resp.No.1)
3. The Sub-divisional Officer
Land Acquisition Officer,
Degloor, Dist. Nanded (Ori.Resp.No.2)

...Respondents

Shri. S.S. Dande, Adv. for Appellant;
Shri. M.M.Patil(Beedkar), Adv. for Resp. No.1;
Shri. S.J.Salgare, AGP for Resp.NO. 2 & 3.

WITH

First Appeal NO.1171 Of 2004

Maharashtra Industrial Development
Corporation, A corporate body,
per its regional officer,

Latur, Dist: Latur.

= Appellant.
(Ori.Resp.No.3)

VERSUS

1. Datta S/o Baswantrao Shelgave
Age 26 yrs, Occ: Agri,
R/o Kushnoor, Tq. Biloli,
Dist. Nanded (Ori. Claimant)
2. The State of Maharashtra
Through District Collector,
Nanded (Ori.Resp.No.1)
3. The Sub-divisional Officer &
Land Acquisition Officer,
Degloor, Tq. Degloor
Dist. Nanded (Ori.Resp.No.2)

...Respondents

Shri. S. S. Dande, Adv. for Appellant;
Shri. M.M.Patil (Beedkar), Adv. for Resp. No.1;
Shri. S.J.Salgare, AGP for Resp.NO. 2 & 3.

WITH

First Appeal NO.1173 of 2004

Maharashtra Industrial Development Corporation
A corporate body, per its, regional officer,
Latur, Dist: Latur.

= Appellant.
(Ori.Resp.No.3)

VERSUS

1. Eknath S/o Kalba Kagade
Age 38 yrs, Occ: Agri.,
R/o Kushnoor, Tq. Biloli,
Dist. Nanded (Ori. Claimant)
2. The State of Maharashtra
Through District Collector,
Nanded (Ori.Resp.No.1)
3. The Sub Divisional Officer &
Land Acquisition Officer,
Degloor, Dist. Nanded (Ori.Resp.No.2)

...Respondents

Shri. S. S. Dande, Adv. for Appellant;
Shri. M.M.Patil (Beedkar), Adv. for Resp. No.1;
Shri. S.J.Salgare, AGP for Resp.NO. 2 & 3.

WITH

First Appeal NO.1242 Of 2004

Maharashtra Industrial Development Corporation
A Corporate Body, per its Divisional officer
Latur, Divisional Office, Latur.

= Appellant.
(Ori.Resp.No.3)

VERSUS

1. Parvatibai W/o Shivling Bhalake
Age 35 yrs, Occ: Agri.,
R/o Kushnoor, Tq. Biloli,
Dist. Nanded (Ori. Claimant)
2. The State of Maharashtra per District
Collector, Collectorate Nanded
(Ori.Resp.No.1)
3. The Sub-divisional Officer
Land Acquisition Officer,
Degloor, Tq. Degloor,
Dist. Nanded
(Ori.Resp.No.2)

...Respondents

Shri. S. S. Dande, Adv. for Appellant;
Shri. M.M.Patil (Beedkar), Adv. for Resp. No.1;
Shri. S.J.Salgare, AGP for Resp.NO. 2 & 3.

WITH

First Appeal NO.1243 Of 2004

Maharashtra Industrial Development Corporation
A Corporate Body per its Divisional officer
Latur, Divisional Office, Latur.

= Appellant.
(Ori.Resp.No.3)

VERSUS

Sakharam S/o Gangaram Gadge, died
per his legal representatives

1. Ramesh S/o Gangaram Gadge
Age 35 yrs, Occ: Agri,
2. Maisama W/o Sakharam Gadge
Age: 65 yrs, Occ: Agri./household
3. Mashaka W/o Suryabhan Gadge
Age 42 Occ: Agri./household
4. Raju S/o Sakharam Gadge
Age: 30 yrs, Occ: Agri,
5. Deepak S/o Sakharam Gadge
Age 28 yrs, Occ: Agri.,
All R/o Kushnoor,
Tq. Naigaon, (Bazar)
Dist. Nanded (Ori. Claimants)
6. The State of Maharashtra
Through District Collector,
Collectorate Nanded (Ori.Resp.No.1)
7. The Sub-divisional Officer
Land Acquisition Officer,
Degloor, Tq. Degloor,
Dist. Nanded (Ori.Resp.No.2)

...Respondents

Shri. S. S. Dande, Adv. for Appellant;
Resp. No.1 to 5 served;
Shri. S.J.Salgare, AGP for Resp.NO.6 & 7.

WITH

First Appeal NO. 1558 of 2004

Maharashtra Industrial Development Corporation
A corporate body, per its Regional Officer,
Regional Office, Latur

= Appellant.
(Ori.Resp.No.3)

VERSUS

1. Ramrao S/o Mahajan Dandewad
Age 30 yrs, Occ: Agri.,
R/o Ghungarala, Tq. Biloli,
Dist. Nanded (Ori. Claimant)
2. The State of Maharashtra per District
Collector, Collectorate Nanded
(Ori.Resp.No.1)
3. The Sub Divisional Officer
Land Acquisition Officer,
Degloor, Tq. Degloor,
Dist. Nanded
(Ori.Resp.No.2)

...Respondents

Shri. S. S. Dande, Adv. for Appellant;
Shri. M.M.Patil (Beedkar), Adv. for Resp.No.1;
Shri. S.J.Salgare, AGP for Resp.NO. 2 & 3.

WITH

First Appeal NO.791 Of 2006

1. Maharashtra Industrial Development
Corporation
A corporate body, per its Regional officer,
Regional Office at Latur, Dist. Latur.
= Appellant.
(Ori.Resp.No.3)
2. State of Maharashtra per District Collector
Collectorate, Nanded
3. The Sub-Divisional Officer & Land Acquisition
Officer, Degloor, Dist. Nanded.
= Co-Appellant
(Ori.Resp.No 1
& 2)

VERSUS

1. Laxman S/o Datta Waghmare
Age 35 yrs, Occ: Agri.,
R/o Kushnoor, Tq. Biloli,
Dist. Nanded

Respondent
(Ori.Claimant/s)

Shri. S. S. Dande, Adv. for Appellant No.1;
Shri. S.J.Salgare, AGP for Appellant Nos.2 & 3.
Resp.No.1 served;

WITH

First Appeal NO.792 Of 2006

1. Maharashtra Industrial Development Corporation
A corporate Body, per its, Regional officer,
Regional Office at Latur, Dist: Latur.
= Appellant.
(Ori.Resp.No.3)
2. State of Maharashtra per District Collector
Collectorate, Nanded
3. The Sub-Divisional Officer & Land Acquisition
Officer, Degloor, Dist. Nanded.
= Co-Appellant
(Ori.Resp.No.1
& 2)

VERSUS

1. Suresh S/o Gangaram Arote
Age 28 yrs, Occ: Agri,
R/o Kushnoor, Tq. Biloli,
Dist. Nanded
= Respondent
(Ori. Claimant/s)

Shri. S. S. Dande, Adv. for Appellant NO.1;
Shri. S.J.Salgare, AGP. for Appellant NOS. 2 & 3.
Shri. M. M. Patil Adv.for Respondent sole;

WITH

First Appeal NO.795 Of 2006

1. Maharashtra Industrial Development Corporation
A corporate Body, per its, Regional officer,
Regional Office at Latur, Dist: Latur.
= Appellant.
(Ori.Resp.No.3)
2. State of Maharashtra per District Collector

Collectorate, Nanded

3. The Sub-Divisional Officer & Land Acquisition Officer, Degloor, Dist. Nanded.

= Co-Appellant
(Ori.Resp.No 1
& 2)

VERSUS

1. Jalba S/o Bhikaji Kagade
Age 50 yrs, Occ: Agri,
2. Satwa S/o Bhikai Kagade
Age 45 yrs Occ. Agri.
R/o Kushnoor, Tq. Biloli,
Dist. Nanded

Respondents
(Ori. Claimant/s)

Shri. S. S. Dande, Adv. for Appellant NO.1;
Shri. S.J.Salgare, AGP for Appellant NOs. 2 & 3.
Respondent Nos.1 & 2 Served.

WITH

First Appeal NO.1001 of 2008

1. The Regional Officer,
Maharashtra Industrial Development
Corporation at Latur,
Dist. Latur.

= Appellant.
(Ori.Resp.No.3)

VERSUS

1. Baliram Ganpati Kagade
Age 55 yrs, Occ: Agri,
R/o Kushnoor, Tq Biloli,
Dist. Nanded (Ori. Claimant/s)
2. State of Maharashtra
Through District Collector,
Nanded (Ori.Resp.No.1)
3. The Sub divisional Officer &
Land Acquisition Officer,

Degloor, Dist. Nanded.

(Ori.Resp.No.2)
= Respondents

Shri. S. S. Dande, Adv. for Appellant NO. 1;
Shri. M.V.Deshpande, Adv. For Respondent NO.1
Shri. S.J.Salgare, AGP for Respondent NO. 2 & 3.

WITH

First Appeal NO.1196 of 2008

1. Maharashtra Industrial Development Corporation
A corporate body,
per its Regional officer,
Regional Office at Latur,
Dist: Latur.

= Appellant.
(Ori.Resp.No.3)

2. State of Maharashtra per District Collector
Collectorate, Nanded

3. The Sub-Divisional Officer
& Land Acquisition Officer,
Degloor, Dist. Nanded.

= Co-Appellant
(Ori.Resp. No 1
& 2)

VERSUS

1. Shivaji S/o Shamrao,
Age 45 yrs, Occ: Agri,
2. Ramrao S/o Shamrao,
Age 40 yrs, Occ. Agri,

Both R/o Kushnoor, Tq Biloli,
Dist. Nanded

(Ori. Claimant/s)
= Respondent

Shri. S. S. Dande, Adv. for Appellant NO.1;
Shri. S.J.Salgare, AGP for Appellant NOs. 2 & 3;
Shri. P. R. Katneshwarkar Adv. For Resp. NO.1.

WITH

First Appeal NO.1395 of 2008

1. Maharashtra Industrial Development Corporation
A corporate body,
per its Regional officer,
Regional Office at Latur,
Dist: Latur. = Appellant.
(Ori.Resp.No.3)
2. State of Maharashtra
per District Collector
Collectorate, Nanded
3. The Sub-Divisional Officer
& Land Acquisition Officer,
Degloor, Dist. Nanded.
= Co-Appellant
(Ori. Resp.No 1
& 2)

VERSUS

1. Shamrao S/o Nagorao Marwale,
Age 32 yrs, Occ: Agri.,
R/o Ghungarala Tq. Biloli
Dist. Nanded (Ori. Claimant/s)
= Respondent

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Shri. S. S. Dande, Adv. for Appellant NO. 1;
Shri. S.J.Salgare, AGP for Appellant NO. 2 & 3;
Shri. M. M. Patil (Beedkar) Adv. For Resp. sole.

WITH

First Appeal NO.1697 of 2008

1. The Regional Officer,
Maharashtra Industrial Development Corporation at Latur,
Dist. Latur. = Appellant.
(Ori.Resp.No.3)

VERSUS

1. Sheshrao Gynoba Wankhede
Age 50 yrs, Occ: Agri,
R/o Sawarkhed, Tq Biloli,

Dist. Nanded

(Ori. Claimant/s)

2. Sow. Gayabai W/o Sheshrao Wankhede
Age 40 yrs, Occ: Agri,
R/o Sawarkhed, Tq. Biloli,
Dist. Nanded.

3. State of Maharashtra
Through District Collector,
Nanded

(Ori.Resp.NO.1)

4. The Sub divisional Officer &
Land Acquisition Officer,
Degloor, Dist. Nanded.

(Ori.Resp.No.2)

= Respondents

Shri. S. S. Dande, Adv. for Appellant;

Shri. M.V. Deshpande, Adv. For Resp. NO.1 & 2

Shri. S.J.Salgare, AGP for Respondent NO. 3&4.

WITH

First Appeal NO.2898 of 2008Maharashtra Industrial Development
CorporationA corporate Body per its Divisional
Officer, Latur, Dist: Latur.

= Appellant.

(Ori.Resp.No.3)

VERSUS

1. Kishanrao S/o Nagorao Marwale
Age Major, Occ: Agri,
R/o Ghungarala, Tq. Biloli,
Dist. Nanded

(Ori. Claimant)

2. The State of Maharashtra
per District Collector,
Collectorate Nanded.

(Ori.Resp.No.1)

3. The Sub Divisional Officer
Land Acquisition Officer,
Degloor, Tq. Degloor,
Dist. Nanded

(Ori.Resp.No.2)

= Respondents

Shri. S. S. Dande, Adv. for Appellant;
Shri. M.M.Patil (Beedkar), Adv. for Resp. No.1;
Shri. S.J.Salgare, AGP for Resp.NO. 2 & 3.

WITH

First Appeal NO.2899 of 2008

Maharashtra Industrial Development
Corporation
A corporate body,
per its Divisional officer Latur,
Dist: Latur.

= Appellant.
(Ori.Resp.No.3)

VERSUS

1. Atmaram S/o Manika Dashte
Age 60 yrs, Occ: Agri,
R/o Ghungarala, Tq. Biloli,
Dist. Nande (Ori. Claimant)
 2. The State of Maharashtra
per District Collector,
Collectorate Nanded. (Ori.Resp.No.1)
 3. The Sub Divisional Officer
Land Acquisition Officer,
Degloor, Tq. Degloor,
Dist. Nanded (Ori.Resp.No.2)
- = Respondents

Shri. S. S. Dande, Adv. for Appellant;
Shri. M.M.Patil (Beedkar), Adv. for Resp. No.1;
Shri. S.J.Salgare, AGP for Resp.NO. 2 & 3.

WITH

First Appeal NO.3306 of 2008

1. The Regional Officer,
Maharashtra Industrial Development
Corporation
A corporate body,
per its divisional officer,
Divisional Office at Latur,
Dist: Latur.

= Appellant.

(Ori.Resp.No.3)

2. State of Maharashtra per District Collector
Collectorate, Nanded

3. The Sub-Divisional Officer &
Land Acquisition Officer,
Degloor, Dist. Nanded.

= Co-Appellant
(Ori.Resp. No 1
& 2)

VERSUS

1. Sheshrao S/o Jalba Sugave,
Age 45 yrs, Occ: Agri,
R/o Ghungarala, Tq Biloli,
Dist. Nanded.

Respondent
(Ori. Claimant/s)

Shri. S. S. Dande, Adv. for Appellant NO. 1;
Shri. S.J.Salgare, AGP for Appellant NO. 2 & 3.
Shri. M.M.Patil(Beedkar)Resp. Sole.

WITH

First Appeal NO.3307 of 2008

1. The Regional Officer,
Maharashtra Industrial Development
Corporation
A Corporate body per its
divisional officer,
Divisional Office at Latur,
Dist: Latur.

= Appellant.

2. State of Maharashtra per
District Collector
Collectorate, Nanded

3. The Sub-Divisional Officer &
Land Acquisition Officer,
Degloor, Dist. Nanded.

= Co-Appellant
(Ori.Resp.No 1
& 2)

VERSUS

1. Govindrao S/o Dhondiba Shinde,
Age 40 yrs, Occ: Agri,
R/o kushnoor, Tq Biloli,
Dist. Nanded.

Respondent
(Ori. Claimant/s)

Shri. S. S. Dande, Adv. for Appellant NO. 1;
Shri. S.J.Salgare, AGP for Appellant NO. 2 & 3.
Shri. M.M.Patil(Beedkar)Resp. Sole.

WITH

First Appeal NO.3310 of 2008

1. The Regional Officer,
Maharashtra Industrial Development
Corporation
A corporate body per its
divisional officer,
Divisional Office at Latur,
Dist: Latur.

= Appellant.

2. State of Maharashtra
per District Collector
Collectorate, Nanded

3. The Sub-Divisional Officer &
Land Acquisition Officer,
Degloor, Dist. Nanded.

= Co-Appellant
(Ori.Resp.No 1
& 2)

VERSUS

1. Dhondiba S/o Mahajan Jadhav.
Age 50 yrs, Occ: Agri,
R/o Kushnoor, Tq Biloli,
Dist. Nanded.

(Ori. Claimant/s)

2. Sow. Vastlabai W/o Dhondiba Jadhav.
Age 40 yrs, Occ. Agri.
R/o Kushnoor, Tq Biloli,

Dist. Nanded.

3. Dhanraj S/o Dhondiba Jadhav,
Age 12 yrs Minor U/g of Father
Dhondiba S/o Mahajan Jadhav
R/o Kushnoor, Tq Biloli,
Dist. Nanded.

(Ori. Claimant/s)

Shri S. S. Dande, Adv. for Appellant NO. 1;
Shri S.J.Salgare, AGP for Appellant NO. 2 & 3.
Shri P.P.Mandlik & Amol Gandhi Advs For R 1 to 3.

WITH

First Appeal NO.407 Of 2010

1. The Regional Officer,
Maharashtra Industrial Development
Corporation
A corporate body per its
divisional officer,
Divisional Office at Latur,
Dist: Latur.

= Appellant.

2. State of Maharashtra
per District Collector
Collectorate, Nanded

3. The Sub-Divisional Officer &
Land Acquisition Officer,
Degloor, Dist. Nanded.

= Co-Appellant
(Ori. Resp. No 1
& 2)

VERSUS

- . Venkati S/o Atmaram Bashte, (died)
Per His Lrs.

1. Sow. Sagunabai Atmaram Bashte,
Age 60 yrs, Occ: Agri,
2. Surekha Wd/o Venkati Bashte,
Age 31 yrs, Occ. Agri.

3. Jyoti D/o Venkati Bashte,
Age 6 yrs,

4. Swati D/o Venkati Bashte
Age 4 yrs

Claimant NO 3 & 4 U/G
of Real mother and
natural guardian
Surekha Wd/o Venkati Bashte,
R/o Ghungarala, Tq Biloli,
Dist. Nanded.

(Ori. Claimant/s)
Respondents

Shri. S. S. Dande, Adv. for Appellant NO. 1;
Shri. S.J.Salgare, AGP for Appellant NO. 2 & 3.
Shri. M.M. Patil, Adv for R no 1, 3 & 4.
Shri. S.L. Bhapkar, Adv for R no 2.

WITH

First Appeal NO.1656 of 2004

Maharashtra Industrial Development
Corporation
A corporate body,
per its Divisional officer,
Divisional Office Latur,
Dist: Latur.

= Appellant.
(Ori.Resp.No.3)

VERSUS

1. Tukaram S/o Yallappa Jadhav
Age 40, Occ: Agri,

2. Rama S/o Yallappa Jadhav
Age 35 yrs Occ. Agri

Both R/o Kushnoor, Tq. Biloli,
Dist. Nanded (Ori.
Claimant/s)

3. The State of Maharashtra
Through District Collector,
Nanded. (Ori.Resp.No.1)

4. The Sub Divisional Officer
& Land Acquisition Officer,
Degloor, Tq. Degloor,
Dist. Nanded

(Ori.Resp.No.2)

...Respondents

Shri. S. S. Dande, Adv. for Appellant;
Shri. Resp. for No.2 served;
Shri. S.J.Salgare, AGP for Resp.NO. 3 & 4.

WITH

First Appeal NO.1661 Of 2004

The Regional Manager,
Maharashtra Industrial Development Corporation
Head Office, Latur Dist. Latur,

= Appellant.
(Ori.Resp.No.3)

VERSUS

1. Shivaji S/o Balaji Jadhav
Age 11, Minor U/g of father
Balaji S/o Irbaji Jadhav
Age 40 yrs, Occ. Agri,

R/o Nilgavan, Post L Kushnoor,
Tq. Biloli, Dist. Nanded.

2. Sopan S/o Maroti Jadhav
Age 10 yrs Minor U/g of father
Maroti S/o Irbaji Jadhav
Age 35 Yrs, Occ. Agri,

R/o Nilgavan, Post L Kushnoor,
Tq Biloli, Dist. Nanded

3. Shankar S/o Sitaram Jadhav
Age 09 yrs, Minor U/g of father
Sitaram S/o Irba Jadhav
Age 40 yrs, Occ. Agri,

R/o Nilgavan, Post L Kushnoor,
Tq Biloli, Dist. Nanded.

(ori.Claimant/s)

4. The State of Maharashtra
Through District Collector,
Nanded. (Ori. Resp.No.1)

5. The Sub divisional Officer
& Land Acquisition Officer,
Degloor,Tq. Degloor,
Dist. Nanded (Ori.Resp.No.2)

...Respondents

Shri. S. S. Dande, Adv. for Appellant;
Shri. M.V. Deshpande Adv for R no 1 to 3
Shri. S.J.Salgare, AGP for Resp.NO.4 & 5.

CORAM : P.R.BORA, J.
DATE : 7th February, 2019

ORAL JUDGMENT

1. FA Nos.1656/2004 & 1661/2004 are not on Board. Taken on Board.

2. Since all these appeals are arising out of the acquisitions made for Krushnur Industrial Area, though Reference Court has passed separate judgments in the respective Land Acquisition References (LARs), I have heard common arguments in all these appeals and I deem it appropriate to decide these appeals by common reasoning.

3. When the present group of appeals was taken up for hearing, at the outset, it was pointed by learned counsel appearing for the parties, that

some of the connected appeals, arising out of the same acquisition proceedings, have been decided by this Court. Copies of the order passed by this Court in FA No.641/2001 with connected appeals decided on 2nd March, 2015 (Coram: M.T.Joshi,J.); copy of order passed in FA No.3536/2008 decided on 21st February, 2013 (Coram: S.V.Gangapurwala,J.) and copy of judgment and order passed in FA No.348/2003 with connected appeals decided on 10th February, 2014 (Coram: K.U.Chandiwal,J.), are placed on record.

4. I have perused the judgments, which are impugned in the present appeals. I have also perused the judgments delivered by this Court in the First Appeals referred to in para 3 above. It is not in dispute that the lands, which are involved in the present appeals as well as the lands which were the subject matter in the First Appeals referred in para 3 above, decided by three different judgments by this court, were acquired for the establishment of Krushnoor Industrial Area. Perusal of the judgment delivered by this court (S.V.Gangapurwala,J.) in FA No.3536/2008 reveals

that, to the land which was involved in the said appeal acquired for the establishment of Krushnoor Industrial Area, the Special Land Acquisition Officer had offered the compensation @ Rs.38000 per hectare and the Reference Court had enhanced it to Rs.53,000/- per hectare. Though the MIDC challenged the enhancement granted by the Reference Court, this Court refused to cause any interference in the amount of compensation enhanced by the Reference Court.

5. In another judgment delivered by this Court (Coram: K.U.Chandiwal,J.) on 10th February, 2014 in FA No.348/2003 with connected appeals filed by MIDC, Latur, the lands which were involved were also acquired for the establishment of Krushnoor Industrial Area. The contents of para 6 of the said judgment reveal that the Special Land Acquisition Officer had offered the compensation to the lands involved in the said matters at the rates ranging between Rs.40,000/- to Rs.49,000/- per hectare and the Reference Court had enhanced the compensation at the rates ranging between Rs. 50,000/- to Rs.64,000/- per hectare. By giving the

elaborate reasons, this Court dismissed all the said appeals filed by the acquiring body, vide the aforesaid judgment delivered on 10th February, 2014.

6. The third judgment delivered by this Court (Coram: M.T.Joshi,J.) on 2nd March, 2015 in FA No. 641/2001 with connected appeals also pertains to the acquisitions made for Krushnoor Industrial Area. In the aforesaid common judgment delivered by this Court, some appeals were filed by the claimants seeking enhancement in the amount of compensation awarded by the Reference Court; whereas some appeals were preferred by MIDC, Latur, taking exception to the compensation enhanced by the Reference Court. Perusal of the said judgment reveals that, to the lands involved in the said matters, the Special Land Acquisition Officer had offered the compensation at the rates ranging between Rs.44000/- to Rs.47,000/- per hectare and the Reference Court had enhanced it at the rate ranging between Rs.57,000/- to Rs. 59,000/- per hectare. This Court has rejected all the said appeals, meaning thereby that no

interference was caused by this Court in the amount of compensation as was granted by the Reference Court in the said matters.

7. As I noted herein above, there is no dispute that the lands, which were the subject matter of the appeals decided by this Court, vide the aforesaid three judgments and the lands which are the subject matter of the present appeals, were acquired for the establishment of Krushnoor Industrial Area, vide the same notification under Section 4 of the Act and the Award under Section 11 of the Act in that regard, was also of the similar date. In the present appeals, the Special Land Acquisition Officer had offered the compensation at the rates ranging to Rs.40,000/- to Rs.47,000/- per hectare and the Reference Court has enhanced the same at the rates ranging between Rs.50,000/- to Rs. 62,000/- per hectare. It is thus evident that the compensation, as was offered by the Special Land Acquisition Officer towards the acquisition of the lands involved in the present appeals and the compensation as was offered to the lands which were the subject matter of the appeals decided by this

Court referred in para 3 above, was also almost at similar rates and the enhancement granted in the said amount of compensation by the Reference Court in all the decided appeals and the present appeals is more or less similar.

8. After having considered the facts, as aforesaid, and after having carefully perused the judgments impugned in the present appeals, it does not appear to me that there is any scope for causing any interference in the amount of compensation as has been enhanced by the Reference Court in the respective LARs. All these appeals filed by the acquiring body therefore, deserve to be dismissed and are accordingly dismissed, however, without any order as to costs. Pending civil application, if any, stands disposed of. The amounts of compensation, deposited by the acquiring body in the present appeals in this Court, are permitted to be withdrawn by the respective claimants in terms of the respective Awards passed in the respective LARs.

(P.R.BORA)
JUDGE

jt.bdv/
title-Mahesh