

IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE P.R.BORA,
HELD ON 17th MARCH, 2019 AT
HIGH COURT LEGAL SERVICES SUB-COMMITTEE, AURANGABAD

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1035 FIRST APPEAL NO.64 OF 2007

MANGALSINGH GOVINDA PATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER AND ANR.

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1036 FIRST APPEAL NO.537 OF 2007

SUBHASH RAMNARAYAN KASAT AND ANR.
VERSUS
THE SPECIAL LAND ACQ. OFFICER AND ORS.

...

1037 FIRST APPEAL NO.3441 OF 2011

TOTARAMSING JALAMSING PARDSHI THRU. LRS GOKULSING
TOTARAMSING PARDESHI AND ORS.
VERSUS
SPECIAL LAND ACQUISITION OFFICER AND ORS.

...

WITH FA/3365/2011
WITH FA/3368/2011
WITH FA/3442/2011

...

1038 FIRST APPEAL NO.2082 OF 2013

AATMARAM LATKAN PATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER UPPER TAPI
PROJECT HATNUR 2 JALGAON AND .

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Advocate for Appellants : Shri Ajeet B. Kale
AGP for Respondent – State : Shri R.B.Bagul
Advocate for Respondent – Acquiring Body :
Smt.Chaitali Choudhari - Kutti

(Sr. Nos. 1035 to 1038)

ORDER

1) In all these matters lands were acquired for Anjani Project District Jalgaon. The lands involved in these matters are all from village Dharagir.

2) The Executive Engineer, Jalgaon Medium Project, District Jalgaon, namely Shri Sunil C.Ahire is present before the Panel. Smt.Chaitaly Choudhary Kutti is representing the Acquiring Body and she is also present before the Panel. The Special Land Acquisition Officer namely Shri Ramsing Sulane is also present before the Panel.

3) The present appeals are filed by the appellants - claimants seeking enhancement in the amount of compensation. Shri A.B.Kale, learned Counsel for the appellants - claimants submitted that the claimants in the present appeals have authorized him to enter into a settlement in the

Lok Adalat. The learned Counsel submitted that he undertakes to submit letters of authorization from all the respective claimants within two weeks.

4) The learned Counsel for the claimants and the learned Counsel appearing for the Acquiring Body jointly submitted that connected appeals arising out of the same Project, have been settled in the Lok Adalat held in past and some matters have also been decided by the regular Court.

5) Both the learned Counsel submitted that in the decided matters out of the same Project, the claimants have been granted the compensation @ Rs.2,00,000/- per Hectare for non-irrigated land Rs.3,00,000/- per Hectare for semi-irrigated lands and Rs.4,00,000/- per Hectare for perennially irrigated lands and Rs.1,00,000/- per Hectare for Pot Kharab lands. The learned Counsel submitted that the compensation as has been enhanced in all those matters is based on the Judgment of Division Bench of this Court in the case of *The Special*

Land Acquisition Officer and another Vs. Bhagwat Vithal Sonwane [2009 (4) Mh.L.J. 308] arising out of Waghur Project. The learned Counsel have submitted a chart duly signed by all the parties mentioning therein the necessary particulars in about nine columns. The same is taken on record and marked X' for identification.

6) It is informed that the Acquiring Body has now agreed for enhancement in the amount of compensation as per the compensation awarded in the case of *Bhagwat Vithal Sonwane* (supra) i.e. @ Rs.2,00,000/- per Hectare for non-irrigated lands, Rs.3,00,000/- per Hectare for semi-irrigated lands and Rs.4,00,000/- per Hectare for perennially irrigated lands and Rs.1,00,000/- per Hectare for Pot Kharab lands.

7) The claimants have also agreed that the interest on the enhanced amount of compensation shall be payable upto 31.12.2017 and no interest shall be made payable on the said amount for the

period from 01.01.2018 to 31.12.2019.

8) The Acquiring Body has agreed to pay the amount of compensation by 31.12.2019.

9) It is also informed to the Panel that the Acquiring Body has agreed to pay to the claimants compensation towards the acquisition of trees @ 80% of the valuation submitted by the claimants of the said trees in the proceedings before the Reference Court. It is further contended that some enhancement in that amount has been awarded by the Reference Court and that is obviously to be deducted from the amount of 80% while preparing the award in the present matter.

10) In view of above, the following order is passed:-

ORDER

I) The Acquiring Body shall pay the amount of compensation to the respective claimants @ Rs.2,00,000/- per Hectare for

non-irrigated lands, Rs.3,00,000/- per Hectare for semi-irrigated lands and Rs.4,00,000/- per Hectare for perennially irrigated lands and Rs.1,00,000/- per Hectare for Pot Kharab lands, according to the categorization of the lands as is revealing from the impugned Judgments and awards.

II) The claimants are entitled for the statutory benefits on the enhanced amount of compensation as are awarded in the impugned Judgments.

III) The amount of enhanced compensation has to be paid by the Acquiring Body to the respective claimants by 31.12.2019.

IV) No interest shall be payable on the enhanced amount of compensation for the period from 01.01.2018 to 31.12.2019.

V) If the amount is not paid by the Acquiring Body within the period stipulated as above, it shall be liable to pay interest from 01.01.2020 in accordance with the provisions of law.

VI) The learned Counsel for the claimants shall file the letters of authorization from respective claimants within two weeks.

VII) The award be prepared accordingly.

VIII) The appellants are entitled for refund of the Court fees in accordance with law.

(K.C.SANT)
Advocate
Member

(A.T.A.K. Shekh)
D.J.(Retd.)
Member

(P.R.BORA, J.)
Head of the Panel

Date: 17.03.2019
Place: Aurangabad

SPT