

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

FIRST APPEAL NO. 3133 OF 2009

. Sangamnath s/o Mahadappa Panchade
Age 50 yrs., Occ., Agril.,
R/o Marajwadi, Tq. Mukhed
Dist. Nanded.

..Appellant
(Ori. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the District Collector,
Nanded
 - 2) The Special Land Acquisition Officer,
M.I.W. Nanded
 - 3) The Executive Engineer,
Vishnupuri Project Division No. 1,
Jangamwadi Nanded,
- .. Respondents
(Orig. Respondents)

...

WITH

FIRST APPEAL NO. 841 OF 2010

. Rajkumar S/o Kashinathappa Dyade
Age: 41 yrs., Occ., Agril.,
R/o Marajwadi, Tq. Mukhed,
Dist. Nanded

..Appellant
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the District Collector,
Nanded
 - 2) The Special Land Acquisition Officer,
M.I.W. Nanded
 - 3) The Executive Engineer,
Vishnupuri Project Division No. 1,
Jangamwadi Nanded
- .. Respondents
(Orig. Respondents)

...

WITH

FIRST APPEAL NO. 2884 OF 2010

. Sharanappa s/o Vishwanath Rakte
Age: Major, Occ., Agri.,
R/o : Marajwadi, Tq. Mukhed
Dist. Nanded

.. Appellant
(Org. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the District Collector,
Nanded
 - 2) The Special Land Acquisition Officer,
M.I.W. Nanded
 - 3) The Executive Engineer,
Vishnupuri Project Division No. 1,
Jangamwadi Nanded
- .. Respondents
(Orig. Respondents)

...

WITH

FIRST APPEAL NO. 724 OF 2010

. Mahadappa s/o Shivbasappa Panchade
Age: 45 yrs., Occ., Agril.,
R/o Marajwadi, Tq. Mukhed
Dist. Nanded

.. Appellant
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the District Collector,
Nanded
- 2) The Special Land Acquisition Officer,
M.I.W. Nanded
- 3) The Executive Engineer,
Vishnupuri Project Division No. 1,

Jangamwadi Nanded

.. Respondents
(Orig. Respondents)

...

WITH

FIRST APPEAL NO. 833 OF 2010

. Sangramappa s/o Shankarappa Mathdevaru,
Age 47 yrs, Occ., Private Service
R/o Marajwadi, Tq. Mukhed,
Dist. Nanded.
At present residing at near Ram
Mandir, Ramwadi Jakat Nagar
Ramwadi, Nagar Road, Pune
Dist.

..Appellant
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the District Collector
Nanded
- 2) The Special Land Acquisition Officer
M.I.W. Nanded
- 3) The Executive Engineer
Vishnupuri Project Division No. 1
Jangamwadi Nanded

.. Respondents
(Orig. Respondents)

...

WITH

FIRST APPEAL NO. 975 OF 2015

. Baburao @ Bapurao S/o Gangaji Sabdewad,
Age: 50 yrs., Occ., Agril.
R/o Marajwadi, Tq. Mukhed,
Dist. Nanded.

..Appellant
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the District Collector
Nanded

- 2) The Executive Engineer
Vishnupuri Prakalp, Division No. 1,
Nanded.
- 3) The Special Land Acquisition Officer,
M.I.W. Nanded. .. Respondents
(Orig. Respondents)

...

WITH

FIRST APPEAL NO. 3015 OF 2009

- . Vitthalrao S/o Deorao Hendge (Died)
By his LRs
- 1) Dhondiba Vithal Hendge
Age 53 yrs., Occ., Agril.,
 - 2) Hanmanth Vithal Hendge
Age 50 yrs., Occ., Agril.
- Both R/o Marajwadi, Tq. Mukhed
Dist. Nanded. ..Appellants
(Orig. Claimants)

VERSUS

- 1) The State of Maharashtra
Through the District Collector
Nanded
- 2) The Special Land Acquisition Officer
M.I.W. Nanded
- 3) The Executive Engineer
Vishnupuri Project Division No. 1
Jangamwadi Nanded .. Respondents
(Orig. Respondents)

...

WITH

FIRST APPEAL NO. 59 OF 2010

- 1) Durgadas s/o Dashrath Sakkarge
Age : 45 yrs., Occ., Agril.,

- 2) Maroti s/o Dashrath Sakkarge
Age: 42 yrs, Occ., Agril.,
- 3) Pandhari S/o Dashrath Sakkarge
Age: 40 yrs., Occ., Agril.,
- 4) Tejerao S/o Dashrath Sakkarge
Age: 46 yrs., Occ., Agril.,

All R/o Marajwadi, Tq. Mukhed
Dist. Nanded

.. Appellants
(Orig. Claimants)

VERSUS

- 1) The State of Maharashtra
Through the District Collector
Nanded
- 2) The Special Land Acquisition Officer
M.I.W. Nanded
- 3) The Executive Engineer
Vishnupuri Project Division No. 1,
Jangamwadi Nanded

.. Respondents
(Orig. Respondents)

...

WITH

FIRST APPEAL NO. 83 OF 2010

- . Kashinath S/o Sangramappa Sundale
Age: 65 yrs., Occ., Agril.,
R/o Marajwadi, Tq. Mukhed,
Dist. Nanded.

.. Appellant
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the District Collector
Nanded
- 2) The Special Land Acquisition Officer
M.I.W. Nanded

- 3) The Executive Engineer
Vishnupuri Project Division No. 1
Jangamwadi Nanded .. Respondents
(Orig. Respondents)

...

WITH

FIRST APPEAL NO. 440 OF 2010

- . Vishwanath S/o Galangali Rakte
Age: 85 yrs., Occ., Agril.,
R/o Marajwadi, Tq. Mukhed
Dist. Nanded .. Appellant
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the District Collector
Nanded
- 2) The Special Land Acquisition Officer
M.I.W. Nanded
- 3) The Executive Engineer
Vishnupuri Project Division No. 1
Jangamwadi Nanded .. Respondents
(Orig. Respondents)

...

WITH

FIRST APPEAL NO. 966 OF 2015

- 1) Ganpati S/o Mashna Sustarphod
Age: 50 yrs., Occ., Agril.,
- 2) Manik S/o Mashna Sustarphod
Age: 50 yrs., Occ., Agril.,
both R/o Marajwadi, Tq. Mukhed,
Dist. Nanded. .. Appellants
(Orig. Claimants)

VERSUS

- 1) The State of Maharashtra
Through the District Collector
Nanded
 - 2) The Executive Engineer
Vishnupuri Project Division No. 1
Jangamwadi Nanded
 - 3) Special Land Acquisition Officer,
M.I.W. Nanded
- .. Respondents
(Orig. Respondents)

...

WITH

FIRST APPEAL NO. 2072 OF 2015

- . Vishwanath S/o Sangramappa Sundale,
Age: 55 yrs., Occ., Agril.,
R/o Marajwadi, Tq. Mukhed,
Dist. Nanded.
- .. Appellant
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the District Collector
Nanded
 - 2) The Executive Engineer,
Vishnupuri Prkalp, Division No. 1
Jangamwadi Nanded
 - 3) Special Land Acquisition Officer,
M.I.W. Nanded
- .. Respondents
(Orig. Respondents)

...

WITH

FIRST APPEAL NO. 2073 OF 2015

- . Yadavrao S/o Naganna Sustarphod
Age: 65 yrs., Occ.: Agril.,
R/o Marajwadi, Tq. Mukhed,
Dist. Nanded.
- .. Appellant
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the District Collector
Nanded
 - 2) The Executive Engineer
Vishnupuri Prakalp, Division No. 1,
Nanded.
 - 3) Special Land Acquisition Officer,
M.I.W. Nanded.
- .. Respondents
(Orig. Respondents)

...

WITH

FIRST APPEAL NO. 2086 OF 2015

- 1) Balaji S/o Kashinath Ghale,
Age: 35 yrs., Occ., Agril.,
 - 2) Sarubai W/o Kashinath Ghale,
Age: 60 yrs., Occ.: Agril.,
R/o Marajwadi, Tq. Mukhed
Dist. Nanded.
- .. Appellants
(Orig. Claimants)

VERSUS

- 1) The State of Maharashtra
Through the District Collector
Nanded
 - 2) The Executive Engineer
Vishnupuri Prakalp, Division No. 1,
Nanded.
 - 3) Special Land Acquisition Officer,
M.I.W. Nanded.
- .. Respondents
(Orig. Respondents)

...

WITH

FIRST APPEAL NO. 2733 OF 2016

- . Tulshiram S/o Gundrao Vattamwar,
Age: 72 yrs., Occ., Agril.,
R/o Marajwadi, Tq. Mukhed,
. Nanded
- .. Appellant

(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra,
Through the District Collector,
Nanded.
- 2) The Executive Engineer,
Vishnupuri Project Division No. 1,
Jangamwadi, Nanded.
- 3) Special Land Acquisition Officer,
M.I.W. Nanded.

.. Respondents
(Orig. Respondents)

...

WITH

FIRST APPEAL NO. 481 OF 2017

- 1) Sanjay S/o Madhavrao Nukulwad,
Age: 51 yrs., Occ., Agril.,
- 2) Rajeshwar S/o Madhavrao Nukulwad,
Age: 41 yrs., Occ.: Agril.,

Both R/o Marajwadi, Tq. Mukhed,
Dist. Nanded.

.. Appellants
(Orig. Claimants)

VERSUS

- 1) The State of Maharashtra
Through District Collector,
Nanded.
- 2) Special Land Acquisition Officer,
Minor Irrigation Works, Nanded.
- 3) The Executive Engineer,
Vishnupuri Prkalp, Division No. 1
Nanded

.. Respondents
(Orig. Respondents)

...

**WITH
FIRST APPEAL NO. 482 OF 2017**

. Sangram S/o Ramappa Sundale
Age:36 yrs., Occ., Agril.,
R/o Marajwadi, Tq. Mukhed,
Dist. Nanded.

.. Appellant
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra,
Through District Collector,
Nanded.
- 2) The Executive Engineer,
Vishnupuri Prakalp Division No. 1,
Nanded.
- 3) Special L.A.O., M.I.W. Nanded. .. Respondents
(Orig. Respondents)

...
**WITH
FIRST APPEAL NO. 483 OF 2017**

. Kallappa S/o Kashinath Ghale
Age: 51 yrs., Occ., Agril.,
R/o Marajwadi, Tq. Mukhed,
Dist. Nanded.

.. Appellant
(Orig. Claimaint)

VERSUS

- 1) The State of Maharashtra,
Through District Collector,
Nanded.
- 2) The Executive Engineer,
Vishnupuri Prakalp Division No. 1,
Nanded.
- 3) Special L.A.O., M.I.W. Nanded. .. Respondents
(Orig. Respondents)

...

**WITH
FIRST APPEAL NO. 1061 OF 2017**

. Dhondiba S/o Mahadu Nukulwad,
Age: 73 yrs., Occ.: Agril.,
R/o Marajwadi, Tq. Mukhed,
Dist. Nanded.

.. Appellant
(Orig. Claimant)

VERSUS

- 1) The State of Maharashtra,
Through District Collector,
Nanded.
- 2) The Executive Engineer,
Vishnupuri Prakalp Division No. 1,
Nanded.
- 3) Special Land Acquisition Officer,
M.I.W. Nanded.

.. Respondents
(Orig. Respondents)

...
Advocate for Appellants : Shri G.N. Chincholkar
AGP for Respondents - State : Shri S.J.Salgare
Advocate for Respondent Acquiring Body : Shri S.C.Arora,
Shri B.A.Shinde, Shri M.C.Swami, Shri Ram B.Deshpande,
Shri S.G. Karlekar, Smt.Ranjana Reddy
...

CORAM : P.R.BORA, J.

DATE: 16th January, 2019

JUDGMENT:-

1. The lands, which are involved in the present appeals were acquired for the Lendi Project from village Marajwadi. In the circumstances, though in each Land Acquisition Reference (LAR), the Reference Court has passed a separate Judgment, I heard the

common arguments in all these appeals and I deem it appropriate to decide all these appeals by a common reasoning.

2. Shri G.N.Chincholkar, learned Counsel appearing for the appellants in all these appeals at the beginning of his argument tendered across the bar a copy of the Judgment passed by this Court on 01.10.2018 in First Appeal No.988 of 2012 with First Appeal No.989 of 2012, and submitted that the aforesaid appeals were arising out of the same Lendi Project, and the lands involved in the said matters were acquired for the said Lendi Project from village Marajwadi. The learned Counsel submitted that since the lands which are involved in the present appeals also hail from village Marajwadi and were acquired for same Lendi Project vide the same Notification, the present appeals shall be allowed and the same market value as has been determined by this Court in First Appeal No.988 of 2012 with First Appeal No.989 of 2012 be determined in the present matters and the amount of compensation be accordingly enhanced.

3. Learned Counsel Sarvshri S.C.Arora, B.A.Shinde, M.C.Swami, Ram B.Deshpande, S.G.Karlekar and Smt.Ranjana Reddy appearing for the Acquiring Body and learned AGP Shri S.J.Salgare appearing for the State of Maharashtra did not

dispute the fact that in First Appeal No.988 of 2012 and connected matter, this Court has determined the market value of the acquired lands from village Marajwadi for the Lendi Project @ Rs.1,25,000/- per Hectare for dry land and Rs.2,50,000/- per Hectare for the perennially irrigated land.

4. I have perused the Judgments, which are impugned in the present appeals. It is not in dispute that the lands, which are involved in the present appeals hail from village Marajwadi and were acquired for the Lendi Project. It is also not in dispute that the Notification under Section 4 of the Land Acquisition Act in that regard was published in the official Gazette on 09.07.1998. It is further not in dispute that award under Section 11 of the Act pertaining to these lands was passed on 25.10.2004. It is further not in dispute that the lands which were involved in First Appeal No.988 of 2012 and connected matter decided by this Court on 01.10.2018, were also from village Marajwadi and were acquired for the same Lendi Project vide the same Notification under Section 4 of the Act, published in the official Gazette on 09.07.1998 and award under Section 11 pertaining to the said land was passed on the same date i.e.25.10.2004.

5. Having regard to the facts as aforesaid, I have no

hesitation in determining the market value of the lands, which are the subject matter in the present appeals at par with the lands, which were subject matter of First Appeal No.988 of 2012 and connected matter. Nothing has been brought to my notice by the learned Counsel appearing for the Acquiring Body that any appeal has been preferred by the Acquiring Body against the Judgment and order passed by this Court in First Appeal No.988 of 2012 with First Appeal No.989 of 2012. In the result the following order is passed:-

ORDER

I) The market value of the lands involved in the present appeals is determined @ Rs.1,25,000/- per Hectare for dry land, Rs.1,87,500/- per Hectare for semi-irrigated land, Rs.2,50,000/- per Hectare for perennially irrigated land and Rs.62,500/- per Hectare for Pot Kharab land.

II) The appellants in the present appeals are accordingly held entitled for the enhancement in the amount of compensation as per the categorization of their lands as shown in the award under Section 11 of the Act, as well as in the E-statement.

III) The appellants are also held entitled for the statutory benefits as are available under the provisions of the Act, on the enhanced amount of compensation.

IV) The appellants are also held entitled for the interest under Sections 28 and 34 of the Act, on the enhanced amount of compensation from the date of passing of the award under Section 11 of the Act i.e. 25.10.2004.

V) The award be modified accordingly.

VI) The order passed in First Appeal No.841 of 2010 dismissing the appeal against respondent No.3 is set aside, consequently the appeal stands restored against respondent No.3.

VII) All other civil applications stand disposed of.

VIII) The appeals stand partly allowed in the aforesaid terms.

(P.R.BORA)
JUDGE

SPT