

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

FIRST APPEAL NO.894 OF 2011

- 1) Vaijanath s/o Sopan Khalangre,
Age 49 years, Occu. Agriculture,
- 2) Ramrao s/o Sopan Khalangre,
Age 44 years, Occu. Agriculture,

Both R/o Khalangre, Tq. Renapur,
District Latur

... APPELLANTS

VERSUS

- 1) The State of Maharashtra,
through Collector, Latur
- 2) The Special Land Acquisition
Officer, M.I.W., Latur.
- 3) The Executive Engineer,
Minor Irrigation, Division,
Latur

... RESPONDENTS

.....
Mr. Amit S. Deshpande, Advocate for appellants
Mr. P.M. Kulkarni, Advocate for respondents No.1 and 2
Mr. P.S. Patil, Advocate for respondent No.3.
.....

WITH

FIRST APPEAL NO.895 OF 2011

- 1) Nivratti s/o Saheb Khalangre
Age 77 years, Occu. Agriculture,
- 2) Chandrakant s/o Nivratti Khalangre
Age 41 years, Occu. Agriculture,

Both R/o Khalangre, Tq. Renapur,
District Latur

... APPELLANTS

VERSUS

- 1) The State of Maharashtra,
through Collector, Latur
- 2) The Special Land Acquisition
Officer, M.I.W., Latur.
- 3) The Executive Engineer,
Minor Irrigation, Division,
Latur

... RESPONDENTS

.....

Mr. Amit S. Deshpande, Advocate for appellants
Mr. P.M. Kulkarni, Advocate for respondents No.1 and 2
Mr. P.S. Patil, Advocate for respondent No.3.

.....

WITH

FIRST APPEAL NO.896 OF 2011

Pralhad s/o Eknath Khalangre,
Died through L.Rs.

- 1) Balaji s/o Pralhad Khalangre,
Age 36 years, Occu. Agriculture,
- 2) Dagdu s/o Pralhad Khalangre,
age 32 years, Occu. Agriculture,

Both R/o Khalangre, Tq. Renapur,
District Latur

... APPELLANTS

VERSUS

- 1) The State of Maharashtra,
through Collector, Latur
- 2) The Special Land Acquisition
Officer, M.I.W., Latur.

- 3) The Executive Engineer,
Minor Irrigation, Division,
Latur

... RESPONDENTS

.....

Mr. Amit S. Deshpande, Advocate for appellants
Mr. P.M. Kulkarni, Advocate for respondents No.1 and 2
Mr. P.S. Patil, Advocate for respondent No.3.

.....

WITH

FIRST APPEAL NO.1641 OF 2011

- 1) Umakant s/o Nivratti Khalangre
Age 45 years, Occu. Agriculture,
- 2) Ajay s/o Umakant Khalangre
Age 18 years, Occu. Education,
- 3) Ajit s/o Umakant Khalangre
Age 16 years, Occu. Education,
Applicant No.3 is claiming under
guardianship of his natural father
i.e. Umakant s/o Nivratti Khalangre
- 4) Godawari w/o Dilip Khalangre,
Age 37 years, Occu. HH & Agriculture,
- 5) Krishna s/o Dilip Khalangre,
age 18 years, Occu. Education
- 6) Kiran s/o Dilip Khalangre,
Age 18 years, Occu. Education
- 7) Gangadhar s/o Pralhad Shalge,
Age 30 years, Occu. Agri. & Service
- 8) Nivratti s/o Saheb Khalangre,
Age 77 years, Occu. Agriculture

All R/o Khalangre, Tq. Renapur,
District Latur.

... APPELLANTS

VERSUS

- 1) The State of Maharashtra,
through Collector, Latur
- 2) The Special Land Acquisition
Officer, M.I.W., Latur.
- 3) The Executive Engineer,
Minor Irrigation, Division,
Latur

... RESPONDENTS

.....

Mr. Amit S. Deshpande, Advocate for appellants
Mr. P.M. Kulkarni, Advocate for respondents No.1 and 2
Mr. P.S. Patil, Advocate for respondent No.3.

.....

WITH

FIRST APPEAL NO.3412 OF 2019

The Executive Engineer,
Minor Irrigation Division,
Latur

... APPELLANTS

VERSUS

- 1) Nivrutti s/o Saheb Khalangre,
Age 78 years, Occu. Agri.
- 2) Chandrakant s/o Nivrutti Khalangre,
Age 42 years, Occu. Agri.

Both R/o Khalangre, Tq. Renapur,
District Latur.
- 3) The Special Land Acquisition
Officer, M.I.W., Latur.
- 4) The State of Maharashtra,
through the Collector, Latur.

(Copy of respondents No.3 and 4

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to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad) ... **RESPONDENTS**

.....

Mr. P.S. Patil, Advocate for appellant
Mr. Amit S. Deshpande, Advocate for respondents No.1 and 2
Mr. P.M. Kulkarni, A.G.P. for respondents No.3 and 4

.....

WITH

FIRST APPEAL NO.3413 OF 2019

The Executive Engineer,
Minor Irrigation Division,
Latur ... **APPELLANTS**

VERSUS

1) Vijaynath s/o Sopan Khalangre
Age 48 years, Occu. Agri.

2) Ramrao s/o Sopan Khalangre,
Age 42 years, Occu. Agri.

Both R/o Khalangre, Tq. Renapur,
District Latur.

3) The Special Land Acquisition
Officer, M.I.W., Latur.

4) The State of Maharashtra,
through the Collector, Latur.

(Copy of respondents No.3 and 4
to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad) ... **RESPONDENTS**

.....

Mr. P.S. Patil, Advocate for appellant
Mr. Amit S. Deshpande, Advocate for respondents No.1 and 2
Mr. P.M. Kulkarni, A.G.P. for respondents No.3 and 4

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CORAM : R. G. AVACHAT, J.

DATE : 4th AUGUST, 2021

J U D G M E N T :

This group of appeals is being decided by this common judgment since the appeals are arising out of the same acquisition proceedings. Four of the six appeals have been preferred by the claimants (land owners). Other two by the acquiring body. The details thereof are given in the tabular form below :-

Sr. No.	Name	First Appeal No.	L.A.R. No.	Land acquired	Sy/Gut No.
01	Vaijanath Khalangre	894/2011	343/2009	2.28 Hectors	166
02	Nivratti Khalangre	895/2011	321/2009	4.06 Hectors	168
03	Pralhad Khalangre	896/2011	342/2009	81 R	167
04	Umakant Khalangre	1641/2011	324/2009	1 Hector	180
05	Executive Engineer Vs. Vaijanath Khalangre	3413/2019	343/2009	2.28 Hectors	166
06	Executive Engineer Vs. Nivrutti Khalangre	3412/2019	321/2009	4.06 Hectors	168

2. The challenge in all these appeals is to the judgment and awards passed by the Reference Court in respective Land Acquisition References.

3. Heard learned counsel for the parties. Perused the impugned award and the documents relied upon. Almost all the facts are undisputed.

The lands of the appellants – land owners have been acquired for the purpose of storage tank. Notification under Section 4 of the Land Acquisition Act (for short the Act) was published in the gazette on 2/6/2005, while the awards were passed on 26/9/2007. The appellants – land owners herein seek parity with the claimants – land owners who have been granted enhanced compensation by virtue of the judgment passed by this Court in First Appeal Nos.110/2011 and 156/2011 on 7/1/2019. This Court granted compensation @ Rs.10312.5 per R for jirayat land and Rs.12890.6 per R for seasonally irrigated land. Admittedly, these two appeals decided by this Court were arising out of the same acquisition proceedings. Except the land belonging to the appellant in First Appeal No. 896/2011 (Pralhad s/o Eknath Khalangre),

the lands in other First Appeals preferred by owners – claimants are irrigated with well, borewell, pipeline, river etc.

4. Since all the aforesaid facts are not in dispute, the appellants – land owners in First Appeal Nos.894/2011, 895/2011, 896/2011 and 1641/2011 are entitled for enhancement of compensation in terms of the judgment of this Court in First Appeal Nos.110/2011 and 156/2011. This group of appeals is, therefore, disposed of in terms of the following order :-

ORDER

- (i) First Appeal Nos.894/2011, 895/2011, 896/2011 and 1641/2011 are allowed. The impugned awards are modified as under :
- (ii) The appellants – land owners in First Appeal Nos.894/2011, 895/2011 and 1641/2011 be paid compensation @ Rs.12890.6 per R while the appellant – land owners in First Appeal No.896/2011 be paid compensation @ Rs.10312.5 per R for the lands acquired.
- (iii) Rest of the terms of the impugned award to stand

unaltered.

- (iv) First Appeal Nos.3412/2019 and 3413/2019 are dismissed.

**(R. G. AVACHAT)
JUDGE**

fmp/-