

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

FIRST APPEAL NO.1193 OF 2011

Nabibai w/o. Sham Patil ..Appellant
Vs.
Special Land Acquisition Officer,
Minor Irrigation Project, Dhule
and ors. ..Respondents

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Mr.C.C.Deshpande, Advocate h/f. Mr.C.R.Deshpande, Advocate for
appellant-claimant
Mr.A.M.Phule, AGP for respondent nos.1, 3, 4 - State

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**AND
FIRST APPEAL NO.1729 OF 2008**

State of Maharashtra and ors. ..Appellants
Vs.
Farukh Sk. Masum Khatik and ors. ..Respondents

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Mr.A.M.Phule, APP for appellants
Mr.C.C.Deshpande, Advocate h/f. Mr.C.R.Deshpande, Advocate for
respondent nos.1 to 3

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**AND
CROSS OBJECTION ST. NO.10150 OF 2008
IN
FIRST APPEAL NO.1729 OF 2008**

Farukh s/o. Sheikh Masum Khatik
and anr. ..Appellants
Vs.
Special Land Acquisition Officer,
Minor Irrigation Project, Dhule
and ors. ..Respondents

Mr.C.C.Deshpande, Advocate h/f. Mr.C.R.Deshpande, Advocate for
Mr.A.M.Phule, AGP for respondents

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AND
FIRST APPEAL NO.1728 OF 2008

The State of Maharashtra and ors ..Appellants
Vs.
Fatmabee w/o. Mohammad ..Respondent

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Mr.A.M.Phule, AGP for appellants
Mr.C.C.Deshpande, Advocate h/f. Mr.C.R.Deshpande, Advocate
respondent

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AND
**CROSS OBJECTION STAMP NO.10152 OF 2008
IN FIRST APPEAL NO.1728 OF 2008**

Fatimabee w/o. Mohammad
since deceased, through L.Rs.
Shaikh Siddique s/o.
Shaikh Mohhmad Khatik and ors. ..Appellants
Vs.
Special Land Acquisition Officer,
Minor Irrigation Project, Dhule
and ors. ..Respondents

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Mr.C.C.Deshpande, Advocate h/f. Mr.C.R.Deshpande, Advocate for
appellants
Mr.A.M.Phule, AGP for respondents

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AND
FIRST APPEAL NO.1216 OF 2011

Narayan s/o. Gopal Patil ..Appellant

Vs.
 Special Land Acquisition Officer,
 Minor Irrigation Project, Dhule
 and ors. ..Respondents

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Mr.C.C.Deshpande, Advocate h/f. Mr.C.R.Deshpande, Advocate for
 appellant
 Mr.A.M.Phule, AGP for respondent nos.1, 3 and 4

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AND
FIRST APPEAL NO.1215 OF 2011

Chindha Badhu Patil,
 through GPA - Ashok Chindha Patil ..Appellant
 Vs.

Special Land Acquisition Officer,
 Minor Irrigation Project, Dhule
 and ors. ..Respondents

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Mr.C.C.Deshpande, Advocate h/f. Mr.C.R.Deshpande, Advocate for
 appellant
 Mr.A.M.Phule, AGP for respondent nos.1, 3, 4,

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AND
FIRST APPEAL NO.1194 OF 2011

Vitthal s/o. Dagadu Patil ..Appellant
 Vs.

The Special Land Acq. Officer
 and ors. ..Respondents

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Mr.C.C.Deshpande, Advocate h/f. Mr.C.R.Deshpande, Advocate for
 appellant
 Mr.A.M.Phule, AGP for respondent nos.1, 3 and 4

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AND

FIRST APPEAL NO.1195 OF 2011

Shamu Puna Patil,
 since deceased – through L.Rs.
 Mangesh s/o. Sham Patil and ors. ..Appellants
 Vs.
 The Special Land Acquisition
 Officer, Minor Irrigation Project,
 Dhule and ors. ..Respondents

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Mr.C.C.Deshpande, Advocate h/f. Mr.C.R.Deshpande, Advocate for
 appellants
 Mr.A.M.Phule, AGP for respondent nos.1, 3 and 4

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AND

FIRST APPEAL NO.1082 OF 2007

The State of Maharashtra
 and ors. ..Appellants
 Vs.
 Rakhabai w/o. Kishor Patil ..Respondent

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Mr.A.M.Phule, AGP for appellants
 Mr.C.C.Deshpande, Advocate h/f. Mr.C.R.Deshpande, Advocate for
 respondent

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AND

**CROSS OBJECTION NO.19064 OF 2007
 IN FIRST APPEAL NO.1082 OF 2007**

Rekhabai w/o. Kishor Patil ..Appellant
 Vs.
 Special Land Acquisition
 Officer, M.I.P. Dhule, and ors. ..Respondents

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Mr.C.C.Deshpande, Advocate h/f. Mr.C.R.Deshpande, Advocate for
 appellant -
 Mr.A.M.Phule, AGP for respondents

CORAM : R.G. AVACHAT, J.
DATE : AUGUST 27, 2021

ORAL JUDGMENT :-

Heard Mr.Chaitanya Deshpande, learned counsel, holding for Mr.C.R.Deshpande, learned counsel for the claimants and Mr.A.M.Phule, learned AGP for State.

2. This is a group of eight Appeals along with Cross-Objections therein. Five of them, have been preferred by the original claimants for enhancement of compensation and rest have been filed by the State challenging the judgment and award passed by the Reference Court.

3. Mr.Deshpande, learned counsel for the claimants, submits that these appeals arise out of the award/s passed in Land Acquisition Proceedings arising out of one and the same Section 4 notification dated 09.11.1995. In all these appeals, the Land Acquisition Officer had awarded compensation ranging between Rs.53,000/- and Rs.56,000/- per hectare in respect of Jirayat lands; and Rs.84,000/- and Rs.1,12,000/- per hectare for Bagayat lands. Learned counsel tenders a copy of order dated 25.01.2018 passed in First Appeal No.643 of 2003 (Bhikhan s/o. Puna Patil Vs. Special

Land Acquisition Officer, M.I.P., Dhule and ors) and companion appeals, whereby this Court has partly allowed the appeals and enhanced the compensation amount to Rs. Two Lakhs per hectare. He submits that present appeals can be disposed of as per the order dated 25.01.2018.

4. Mr.Phule, learned AGP, opposes the appeals filed by the claimants.

5. The lands involved in these appeals have been acquired for Minor Irrigation Tank Project, Susari, Tq. Shahada, Dist.Nandurbar. Since these appeals arise out of the award/s passed in Land Acquisition Proceedings arising out of one and the same Section 4 notification dated 09.11.1995, similar treatment needs to be given to these appeals, as has been given in First Appeal No.643 of 2003 and connected appeals decided vide order dated 25.01.2018. The judgment and order passed in First Appeal No.643 of 2003 and connected matters, has attained finality.

6. Hence, the following order :-

(i) First Appeal Nos.1193 of 2011, 1216 of 2011, 1215 of 2011, 1194 of 2011 and 1195 of 2011 preferred by the claimants for enhancement of compensation are partly allowed, granting them

compensation at the rate of Rupees Two Lakhs per hectare.

(ii) First Appeal Nos.1729 of 2008, 1728 of 2008 and 1082 of 2007 filed by the State are dismissed.

(iii) Cross-Objection (Stamp) No.19064 of 2007 in First Appeal No.1082 of 2007 preferred by the claimants, is partly allowed granting them compensation at the rate of Rupees Two Lakhs per hectare.

(iv) Cross Objection (Stamp) No.10150 of 2008 in First Appeal No.1729 of 2008 and Cross Objection (Stamp) No.10152 of 2008 in First Appeal No.1728 of 2008 preferred by the claimants shall stand dismissed.

(v) The appellants/claimants in the appeals and the Cross Objections, which have been partly allowed by this Court, are entitled to receive additional compensation as also all the statutory benefits and interest proportionate to such additional compensation. The respondents are directed to work out and pay the appellants, additional compensation/statutory benefits/interest within three months from today.

[R.G. AVACHAT, J.]