

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

FIRST APPEAL NO.863 OF 2019

Khwajamiya s/o. Abdulsaab ..Appellant
vs.
The State of Maharashtra and ors. ..Respondents

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Mr.G.N.Chincholkar, Advocate for appellant
Mr.A.M.Phule, AGP for respondent nos.1 and 2
Ms.S.D.Shelke, Advocate for respondent no.3

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**AND
FIRST APPEAL NO.2085 OF 2015**

Jaiprakash Malikarjun Rakte ..Appellant
vs.
The State of Maharashtra and ors. ..Respondents

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Mr.G.N.Chincholkar, Advocate for appellant
Mr.P.M.Kulkarni, AGP for respondent nos.1 and 3
Mr.Anand Chawre, Advocate for respondent no.2

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**AND
FIRST APPEAL NO.325 OF 2018**

Kashinath s/o. Viswanath Rakte ..Appellant
vs.
The State of Maharashtra and ors. ..Respondents

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Mr.G.N.Chincholkar, Advocate for appellant
Mr.A.M.Phule, AGP for respondent nos.1 and 3
Ms.Sunita Shelke, Advocate for respondent no.2

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AND

FIRST APPEAL NO.2016 OF 2021

Nagorao Masna Susturphode ..Appellant
 vs.
 The State of Maharashtra and ors. ..Respondents

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Mr.G.N.Chincholkar, Advocate for appellant
 Mr.A.M.Phule, AGP for respondent nos.1 and 3
 Mr.Sham Patil, Advocate for respondent no.2

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AND

FIRST APPEAL NO.1884 OF 2021

Dashrath Sadashiv Shakkarge (died)
 through L.Rs. Tejarao s/o. Dashrath Shakkarge
 and ors. ..Appellants
 vs.
 The State of Maharashtra and ors. ..Respondents

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Mr.G.N.Chincholkar, Advocate for appellant
 Mr.A.M.Phule, AGP for respondent nos.1 and 2
 Mr.Sham Patil, Advocate for respondent no.3

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CORAM : R.G. AVACHAT, J.
DATE : SEPTEMBER 29, 2021

ORDER :-

Learned counsel for the parties are at *ad idem* that similar order, as has been passed in **First Appeal No.812 of 2021 (Sheshabai Kashinath Panchade Vs. The State of Maharashtra and ors.)** and connected appeals on 31st August, 2021 and in **First Appeal No.3133 of 2009 (Sangamnath s/o. Mahadappa Panchade vs. The State of Maharashtra and ors.)** and connected matters on 16.01.2019, may be passed in the present appeals.

2. In view of the above, the following order is passed :-
- (i) The appeals are partly allowed.
 - (ii) In First Appeal Nos.863 of 2019 and 2016 of 2021, since the acquired lands are dry, the appellants/claimants be paid compensation at the rate of Rs.1,25,000/- per hectare.
 - (iii) In First Appeal No.2085 of 2015, out of the total acquired lands ad-measuring 3 H 90R from survey nos.69 and 4/B, for the lands ad-measuring 1 H 33 R which is perennially irrigated compensation be paid at the rate of Rs.2,50,000/- per hectore; for the land ad-measuring 2 H 50 R which is dry land compensation be paid at the rate of Rs.1,25,000/- per hectore; and for the land ad-measuring 7 R which is potkharab compensation be paid at the rate of Rs.62,500/- per hectore.
 - (iv) In First Appeal No.325 of 2018, out of the total acquired lands ad-measuring 4 H 33 R from G.Nos.65/B/2 and 65/B/2, for the lands ad-measuring 4 H which is dry land compensation be paid at the rate of Rs.1,25,000/- per hectore; and for the land ad-measuring 0.33 R which is seasonally irrigated compensation be paid at the rate of Rs.1,87,500/- per hectore.
 - (v) In First Appeal No.1884 of 2021, out of the total acquired land ad-measuring 2 H 10 R from survey no.75/A, for the lands ad-measuring 1 H 46 R which is dry land compensation be paid at the rate of Rs.1,25,000/- per hectore; for the land ad-measuring 53 R which is perennially irrigated compensation be paid at the rate of Rs.2,50,000/- per hectore; and for the land ad-measuring 11 R which is potkharab, compensation be paid at the rate of Rs.62,500/- per hectore.

- (vi) The respondents shall pay interest on the amount of compensation from the date of the award passed by the S.L.A.O. and not from the date of notification.
- (vii) The appellants shall not be entitled for interest or any other monetary benefits for the period of delay in filing these appeals.
- (viii) Rest of the terms of the impugned awards to stand unaltered.

[R.G. AVACHAT, J.]

KBP