

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

FIRST APPEAL NO.719 OF 2013

Manohar s/o Shankarappa Rakte ... **APPELLANT**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....
Mr. G.N. Chincholkar, Advocate for appellant
Mr. S.S. Dande, A.G.P. for respondents No.1 and 2
Mrs. Sunita D. Shelke, Advocate for respondent No.3.

.....

AND

FIRST APPEAL NO.734 OF 2017

Keshav s/o Ganpati, Died, by L.R.
Prayagbai w/o Keshav ... **APPELLANT**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....
Mr. G.N. Chincholkar, Advocate for appellant
Mr. A.B. Chate, A.G.P. for respondents No.1 and 2
Mr. S.G. Karlekar, Advocate for respondent No.3.

.....

AND

FIRST APPEAL NO.714 OF 2019

Bhagwan s/o Piraji Nuqulwad ... **APPELLANT**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....

Mr. G.N. Chincholkar, Advocate for appellant
Mr. A.B. Chate, A.G.P. for respondents No.1 and 2
Mrs. Sunita D. Shelke, Advocate for respondent No.3.

.....

AND

FIRST APPEAL NO.3900 OF 2019

Manikrao s/o Masnaji Sustarphod ... **APPELLANT**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....

Mr. G.N. Chincholkar, Advocate for appellant
Mr. S.S. Dande, A.G.P. for respondents No.1 and 2
Mr. Sham B. Patil, Advocate for respondent No.3.

.....

CORAM : R. G. AVACHAT, J.

DATE : 3rd DECEMBER, 2021

PER COURT :

Heard. All these appeals have been preferred by the original claimants whose house properties have been compulsorily acquired for public purpose. The Land Acquisition Officer offered the amount of compensation as under :

Sr. No.	First Appeal No.	Amount of compensation offered
1	First Appeal No.719/2013	Rs.1,27,987/-
2	First Appeal No.734/2017	Rs.73,249/-
3	First Appeal No.714/2019	Rs.58,641/-
4	First Appeal No.3900/2019	Rs.46,873/-

2. Having been dissatisfied with the offer, the house owners preferred respective Land Acquisition References for enhancement of compensation. The Reference Court allowed the References except one i.e. L.A.R. No.49/2008, granting enhancement as shown in Column No.2 in the tabular form below :

Sr. No.	First Appeal No.	Amount enhanced by Reference Court
1	First Appeal No.719/2013	Rs.29,846/-
2	First Appeal No.734/2017	Rejected
3	First Appeal No.714/2019	Rs.14,660/-
4	First Appeal No.3900/2019	Rs.11,718/-

3. The claim in L.A.R. No.49/2008 was rejected on the ground of mis-description, particularly giving the house

number. It is, however, not disputed that, the house which has been acquired was one and the same and it was only a mistake. In all these references, the Valuer has made valuation of the house properties that have been acquired and gave his report. The valuation of the respective house properties given by the expert is shown in Column No.3 below.

Sr. No.	First Appeal No.	As per valuation report
1	First Appeal No.719/2013	Rs.2,94,457/-
2	First Appeal No.734/2017	Rs.1,14,958/-
3	First Appeal No.714/2019	Rs.1,70,210/-
4	First Appeal No.3900/2019	Rs.1,48,114/-

4. This Court, in First appeal No.1250/2009, vide judgment and order dated 6/10/2016, has observed that, the valuation report needs to be accepted, and on acceptance of the very report, enhanced the compensation in terms of the valuation made by the expert. The said matter was arising from one and the same acquisition proceedings. The house property therein was also from the very village. A similar treatment is, therefore, required to be given in all these

appeals. In view of the same, the amount of compensation awarded by the Reference Court in three of the matters and in one rejected matter is enhanced to one which has been given by the Valuer. In view of the same, the First Appeals are allowed in terms of the following order :

5. The amount of compensation awarded by the Reference Court is enhanced as per the chart below :-

Sr. No.	First Appeal No.	Total amount of compensation granted by this Court
1	First Appeal No.719/2013	Rs.2,94,457/-
2	First Appeal No.734/2017	Rs.1,14,958/-
3	First Appeal No.714/2019	Rs.1,70,210/-
4	First Appeal No.3900/2019	Rs.1,48,114/-

6. Rest of the terms of the impugned award to stand unaltered.

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

fmp/-