

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL NO.894 OF 2014

APPELLANT:

Ori. Deft. No.2.
(On RA)

Maharashtra Industrial Development Corporation, having its office at Marol Industrial Estate, Andheri East, Mumbai and having its Regional Office at By Pass road, Amravati, through its Chief Executive Officer.

... Versus ...

RESPONDENTS:

Ori. Claimant
ON (RA)

1. Smt. Sonabai Bhaurao Savdekar, [Dead]
Aged 79 yrs, Occupation Agriculturist,
resident of Bhim Nagar, Akola,
Taluka and District Akola.

Legal heirs of respondent no. 1 Sonabai Savdekar

1-A] Bhaskar Bhaurao Sawdekar [Dead]

1-B] Ashok Bhaurao Sawdekar

Age about 62, Occ. Retired,
R/o Gajanan Nagar, Dabki Road,
Tq. & Distt. Akola.

Legal heirs of respondent no.1-A Bhaskar Savdekar

1.A-I] Asha Bhakar Sawdekar

Agaed about 67 Years Occ. Household,

1.A-II] Sanghpal Bhaskar Sawdekar,

Aged about 43 years, Occ. Private Job

1.A-III] Dhampal Bhakar Sawdekar

Aged about 42, Occ. Private Job,
Resdt. no.1- A-I to III are R/o Gajanan Nagar,
Dabki Road, Tq. & Distt. Akola.

1.A-IV] Sweta Bhakar Sawdekar

Aged about 43, Occ. Service,

R/o At Post Gavha Farkade,
Tq. Dhamangaon Railway,
Distt. Amravati

1.A-V] Swati Bhupendra Tirpude,
Aged about 38 years, Occ. Service,
R/o Building K/A-3, Flat no.303,
Ajmera Complex Gurudatta Nagar,
Pimpri, Pune.

Ori. Deft.No.1.

2. The State of Maharashtra,
through Sub-Divisional Officer and
Land Acquisition Officer Akola.

Shri Sharad Thakare, Advocate h/f Shri M.M. Agnihotri, Advocate for the Appellant.
Shri R.J. Shinde, Advocate for Respondent Nos.1A(I), 1A(II), 1A(IV), 1A(V) and 1B.
Shri D.S. Patil, Advocate for Respondent No.1A(III).
Shri M.A. Kadu, AGP for Respondent No.2.

WITH

FIRST APPEAL NO.1146 OF 2013

APPELLANT:

Ori. Deft. No.4.
(On RA)

Maharashtra Industrial Development
Corporation having its office at
Marol Industrial Estate, Andheri East,
Mumbai and having its Regional Office
at By Pass road, Amravati, through its
Chief Executive Officer.

... Versus ...

RESPONDENTS:

1. Tukaram Shivram Jagtap
Since deceased through LR's

Ori. Claimants

1.a Janabai wd/o Tukaram Jagtap [Deleted]
Aged 84 years, Occu. Household

ON (RA)

1.b Mohan Tukaram Jagtap [Deleted]
Aged, Occu. Labourer

Both 1(a) to 1 (b) resident of Shivani,

Tehsil and District Akola

Legal heirs of respondent no.1- A

- 1-B) Mohan S/o Tukaram Jagtap, (Dead)
- 1-C) Madan S/o Tukaram Jagtap,
Aged about major, R/o Main Road, Shivani,
Tq. & Distt. Akola.
- 1-D) Chhangan S/o Tukaram Jagtap, (Dead)
- 1-E) Sudan S/o Tukaram Jagtap (Dead)

Legal heirs of respondent no.1-B

- 1-B-i) Sunanda W/o Mohan Jagtap
Aged about 55 years, Occ. House hold,
- 1-B-ii) Kailash S/o Mohan Jagtap
Aged about 38 years, Occ. Labour,
- 1-B-iii) Vishal S/o Mohan Jagtap
Aged about 35 years, Occ. Labour,
- 1-B-iv) Ashwin S/o Mohan Jagtap
Aged about 32 years, Occ. Labour,

Legal heirs of respondent no.1-D

- 1-D-i) Chandrakal W/o Chhagan Jagtap,
Aged about 50 years, Occ. - House hold,
- 1-D-ii) Sau. Nigna W/o Anil Ingole,
Aged about 26 years, Occ. - Household,
- 1-D-iii) Sau. Preeti W/o Sudhir Tayade,
Aged about 25 years, Occ. - Household,
- 1-D-iv) Kajal D/o Chhagan Jagtap,
Aged about 23 years, Occ. - Student,
- 1-D-v) Shital D/o Chhagan Jagtap,
Aged about 22 years, Occ. - Student,
- 1-D-iv) Nikhil S/o Chhagan Jagtap,
Aged about 19 years, Occ. - Student,

Legal heirs of respondent no. 1-E

- 1-E-i) Devita W/o Sudan Jagtap,
Aged about 42 years, Occ. - House hold,
- 1-E-ii) Akshay S/o Sudan Jagtap,
Aged about 23 years, Occ. - Student,
- 1-E-iii) Resma D/o Sudan Jagtap,

Aged about 20 years, Occ. - Student,
All R/o of Main Road, Shivani,
Tq. & Distt. Akola.

Ori. Deft.No.1. 2. The State of Maharashtra
through Collector, Akola.

Shri Sharad Thakare, Advocate h/f Shri M.M. Agnihotri, Advocate for the Appellant.
Shri R.J. Shinde, Advocate for the Respondent No.1/Legal Representatives.
Shri M.A. Kadu, AGP for Respondent No.2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE OF JUDGMENT : 29th JANUARY, 2021

P.C:-

First Appeal No.1146/2013 is not on board. Taken on board upon being mentioned.

02] The Appellant has challenged the judgment of the Reference Court in L.A.C. No.62/1998 and 380/1997. The subject land was acquired for industrial purpose. First Appeal No.1146/2013 arises from judgment and award dated 04/05/2013 passed by the Reference Court in L.A.C. No.62/1998 whereas the First Appeal No.894/2014 questions the legality of the judgment dated 29/01/2014 passed by the Reference Court in L.A.C. No.380/1997. Learned counsel for the appellant states that both these appeals are covered by the judgment dated 28/02/2020 passed by this Court in First Appeal No.38/2010 and other group matters. Hence, are being disposed of by this common judgment.

03] The land under Survey No.37 admeasuring 2.55 hectares owned by the contesting Respondents in First Appeal No.1146/2013 and the land under Survey No.48 admeasuring 2.93 hectare owned by contesting respondent in First Appeal No.894/2014 was acquired for industrial purpose. The Notifications under Section 32 of the Maharashtra Industrial Development Act, 1961 were published on 13/08/1992 and 05/09/1992 respectively. Award was declared on 20/03/1997 whereby the Land Acquisition Officer had fixed the compensation at the rate of Rs.50,000/- per hectare in respect of land under Survey No.37 and Rs.80,000/- per hectare in respect of the land under Survey No.294/2014. The contesting Respondents sought reference and claimed enhanced compensation of Rs.2,00,000/- per hectare. By the impugned judgment and award dated 04/05/2013 in L.A.C. No.62/1998 and judgment dated 29/01/2014 in L.A.C. No.380/1997, the Reference Court has enhanced the compensation to Rs.1,33,4000/- per hectare. These judgments are under challenge in these appeals under Section 54 of the Land Acquisition Act.

04] Learned counsel for the Appellant has placed on record the copy of the judgment dated 28/02/2020 in First Appeal No.38/2010 and other group matters. A perusal of the said judgment, reveals that the land belonging to other land owners situated in village Shivani was also acquired for industrial purpose and the Notification under Section 32(2) of M.I.D.C. Act was issued on 13/08/1992. The Land Acquisition Officer by virtue of

Award dated 20/03/1997 had offered compensation at the rate of Rs.80,000/- per hectare. The Reference Court had enhanced the said compensation to Rs.1,33,400 per acre. In the appeal, filed by the said land owners, this Court has enhanced the compensation to Rs.3,00,000/- per hectare.

05] Learned counsel for the Appellant as well as the contesting Respondents state that the land which is the subject-matter in these appeals is also situated in the same village and in the same locality. They also concede that the nature of the subject land is similar to that of the land which was the subject-matter of First Appeal No.38/2010 with other group matters. Considering the fact that the market rate of similar land from the same village has been fixed at the rate of Rs.3,00,000/- per hectare, the challenge to the Awards fixing the market rate at Rs.1,33,400/- fails. Hence, the appeals are dismissed.

06] The contesting respondents i.e. original Claimants in land reference case are permitted to withdraw the amount awarded by the Reference Court with proportionate interest accrued thereon as per their respective shares.

07] The appeals as well as all civil applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)