

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

FIRST APPEAL NO. 2460 OF 2021

1. Kashinath s/o Nagnath
Age : Major, Occu. Agril.,
2. Vishwanath s/o Nagnath,
Age : Major, Occu. Agril.,
Both R/o Marajwadi, Tq.
Mukhed, Dist. Nanded.

**...APPLICANTS/
APPELLANTS**
(Original Claimants)

VERSUS

1. The State of Maharashtra
Through Dist. Collector,
Nanded, Tq. & Dist. Nanded.
2. The Special Land Acquisition
Officer, Krushna Khore,
Nanded.
3. The Executive Engineer,
Vishnupuri Project Division
No.1, Nanded, Now at present
the Executive Engineer
Lendi Project Division, Degloor,
Tq. Degloor, Dist. Nanded

...RESPONDENTS
(Original Respondents)

...

Advocate for Appellants : Mr.G.N. Chincholkar
AGP for Respondent Nos. 1 and 2 : Mr. S. R. Yadav-Lonikar
Advocate for Respondent No. 3 : Mr. Shyam B. Patil

RESERVED ON : 27/06/2022
PRONOUNCED ON : 13/07/2022

**AND
FIRST APPEAL NO. 2461 OF 2021**

Ashok s/o Rachappa
Age : 58 years, Occu. Agriculture,
R/o Marajwadi, Tq. Mukhed,
Dist. Nanded. **...APPELLANT**
(Original Claimant)

VERSUS

1. The State of Maharashtra
Through Dist. Collector,
Nanded,
 2. The Special Land Acquisition
Officer, Krishna Khore, Nanded
Dist. Nanded
 3. The Executive Engineer,
Vishnupuri Project Division
No.1, Nanded, Dist. Nanded.
Now the Executive Engineer
Lendi Project Division, Degloor,
Tq. Degloor, Dist. Nanded **...RESPONDENTS**
- ...

**AND
FIRST APPEAL NO. 2486 OF 2021**

Ramesh s/o Masnaji Sustarphod,
Age : 30 years, Occu. Agriculture,
R/o Marajwadi, Tq. Mukhed,
Dist. Nanded. **...APPELLANT**
(Original Claimant)

VERSUS

1. The State of Maharashtra
Through the District Collector,
Nanded,

2. The Special Land Acquisition
Officer, Krishna Khore, Nanded

3. The Executive Engineer,
Vishnupuri Project Division
No.1, Nanded,

...RESPONDENTS
(Orig. Respondents)

AND

FIRST APPEAL NO. 3036 OF 2021

1. Dilip s/o Rajaram Nukulwad,
Age : 45 years, Occu. Agril.,

2. Balaji s/o Rajaram Nukulwad,
Age : 40 years, Occu. Agril.,

3. Rajaram s/o Ganpati Nukulwad,
Age : 68 years, Occu. Agril.,
(Claimant no.1 and 2 through special
power of Attorney, Claimant No.3)
All R/o Marajwadi, Tq. Mukhed,
Dist. Nanded. Died by L.Rs. Appellant
No. 1 and 2.

...APPELLANTS
(Original Claimants)

VERSUS

1. The State of Maharashtra
Through District Collector,
Nanded, Tq. Dist. Nanded.

2. The Special Land Acquisition
Officer, Krishna Khore Vikas
Mandal Nanded.

3. The Executive Engineer,
Vishnupuri Project Division
No.1, Nanded, at present
Executive Engineer,
Lendi Project Division at Degloor
Tq. Degloor, Dist. Nanded

...RESPONDENTS
(Original Respondents)

WITH
CIVIL APPLICATION NO. 13344 OF 2021
IN
FIRST APPEAL NO. 3036 OF 2021

1. Dilip s/o Rajaram Nukulwad,
Age : 36 years, Occu. Agril.,
R/o Marajwadi, Tq. Mukhed,
Dist. Nanded.
2. Balaji s/o Rajaram Nukulwad,
Age : 34 years, Occu. Agril.,
R/o . As above.
3. Rajaram s/o Ganpati Nukulwad,
Age : 52 years, Occu. Agril.,
(**Died leaving behind him applicant
no. 1 and 2 are legal heirs**)

All R/o Marajwadi, Tq. Mukhed,
Dist. Nanded.

...APPLICANTS/APPELLANTS
(Original Claimants)

VERSUS

1. The State of Maharashtra
Through District Collector,
Collector Office Nanded.
2. The Special Land Acquisition
Officer, Krishna Khore Vikas
Nanded.
3. The Executive Engineer,
Vishnupuri Project Division
No.1, Nanded at present
Executive Engineer,
Lendi Project Division at Degloor
Tq. Degloor, Dist. Nanded

...RESPONDENTS

...

AND

FIRST APPEAL NO. 1229 OF 2022

Shivling s/o Rachappa Mathapati
Died by L.Rs.

- 1A Smt. Mahananda w/o Shivling
Mathapathi,
Age 47 Yrs., Occ – Household
- 1B Amol s/o Shivling Mathapathi
Age 31 Yrs., Occ – Unemployed
- 1C Akash s/o Shivling Mathapathi
Age 25 Yrs., Occ – Education
All R/o Marajwadi, Tq. Mukhed,
Dist. Nanded, At present, Rukmini
Nagar Taroda (khurda) Nanded

...APPELLANTS

(Original Claimant)

VERSUS

- 1. The State of Maharashtra
Through District Collector,
Nanded.
- 2. The Special Land Acquisition
Officer, Krishna Khore, Nanded.
Dist. Nanded.
- 3. The Executive Engineer,
Vishnupuri Project Division
No.1, Nanded, Dist. Nanded
Now the Executive Engineer,
Lendi Project Division at Degloor
Tq. Degloor, Dist. Nanded

...RESPONDENTS

(Original Respondents)

...

AND
FIRST APPEAL NO. 724 OF 2022

Shankarappa s/o Ramappa Ghale,
Died by L.Rs.

Vaijanath s/o Shankarappa Ghale
Age : 63 years, Occu. Agril and
retired person, R/o Marajwadi,
Tq. Mukhed, Dist. Nanded.

...APPELLANT
(Original Claimant)

VERSUS

1. The State of Maharashtra
Through District Collector,
Nanded, Tq. Dist. Nanded.
2. The Special Land Acquisition
Officer, Krishna Khore Nanded.
3. The Executive Engineer,
Vishnupuri Project Division
No.1, Nanded, at present
Executive Engineer,
Lendi Project Division at Degloor
Tq. Degloor, Dist. Nanded

...RESPONDENTS
(Original Respondents)

...

Advocate for Appellants : Mr.G.N. Chincholkar

Advocate for Respondent No. 3 : Mr. R. D. Biradar h/f.

Mr. U. P. Giri in FA Nos. 2426/2021 and 2486/2021

Advocate for Respondent No. 3 : Mr. Shyam B. Patil in F.A.
Nos. 3036/2021, 1229/2022 and 724/2022

AGP for respondents- State : Mr. A. B. Chate in FA Nos.
2461/2021, 2486/2021, 3036/2021

AGP for respondents- State : Mr. P. M. Kulkarni in FA Nos.
1229/2022 and 724/2022

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CORAM : S.G.DIGE, J.

RESERVED ON : 17/06/2022

PRONOUNCED ON : 13/07/2022

JUDGMENT :

All these appeals have been preferred by the original claimants feeling aggrieved by the impugned judgment and award passed by the learned Civil Judge, Senior Division, Kandhar and Civil Judge, Senior Division, Link Court, Mukhed in respect of the Land Acquisition References pertaining to the house properties.

2. Mr.G.N. Chincholkar, learned counsel for the appellants submits that these appeals are arising out of the same project and from the same village. There is vast difference in price of suit house granted by the acquiring body and Valuer. The appellants-original claimants examined the Government Approved Valuer Shri Shrisant V. Barbade as PW- 2 before the Reference Court and the Government Approved Valuer submitted its report stating that the compensation of suit house No.133/3 is Rs.89,355/-, but the said report is not considered by the

Reference Court. This Court was pleased to allow First Appeal No.719/2013 and First Appeal No.1488/2020 with connected appeals, thereby accepting the report submitted by the Valuer in respect of the house properties and this Court enhanced the compensation as per the valuation report. The learned counsel further submits that the same treatment needs to be given in these appeals.

3. Shri.R.D. Biradar h/f Shri U.P. Giri, advocate for respondent nos.3 in F.A. No.2425/2021 and 2486/2021, Shri Sham B. Patil, advocate for respondent no.3 in First Appeal Nos.3036/2021, 1229/2022 and 2461/2021, 2486/2021, 3036/2021, 2460/2021, Shri. A.B. Chate, AGP for respondent/State in F.A. Nos.2461/2021, 2486/2021 and 3036/2021 and Shri. P.M. Kulkarni, AGP for respondent/State in F.A. No.1229/2022 and 724/2022 fairly concede the position about the earlier decision delivered by this Court in First Appeal no.719/2013 and with connected matters. The learned counsel submits that the compensation awarded by the learned Reference Court

is adequate, hence there is no need to interfere in that order.

4. I have heard the learned counsel for the respective parties. Perused the impugned judgment and award passed by the Reference Court in the respective Land Acquisition References.

5. Admittedly, this Court has allowed the appeal in connected matters and enhanced the compensation as per the valuation report. The following chart would depict the position more clearly.

FA No. & LAR NO.	House No. & Area	Section 4 notification	Award	LAO granted compensation	Reference Court granted	Compensation as per valuation report
1229/2022 LAR No.87/2008	132/1 & T = 33 Sq. adm. 19.80 Sq. Mt cons. Area & 13.20 open area	21/08/1997	26.3.02	15483/-	Enhanced by Rs.3971 Granted- Rs.19354/-	89355/-
2461/2021 LAR No. 41/2008	133/03	21/08/1997	26/03/02	31,840/-	Enhanced by Rs.8,201/- granted Rs.41,005/-	89355/-
2486/21 LAR No. 59/2008	240/1 & 31.95 Sq. Mt.		26/03/02	42,860/-	Enhanced by 10,715/- & granted 112095/-	132803/-

3036/2021 LAR No. 31/2005	281/1, 2, 3 & 95.90 Sq. Mt	21/08/1997	26/03/02	1,03,331/-	Enhanced by 25,832/-	2,06,171/-
724/2022 LAR No. 21/2005 (New)	152 & 152 Adm. 32.20 12.5 Sq. Mtrs	23/04/1997	26/03/02	42968/-	Enhanced by 10,742/- & granted 53710/-	155083/-
2460/2021 LAR No.20/2005 (New)	151/23 Adm. 75 Sq. Mtrs.	23/04/1997	26/03/02	50435/-	Enhanced by 12,608 & granted Rs.3,043/-	1,93,193/-

6. In all these appeals, the valuer has made valuation of the house properties, which has been acquired for the same project. The valuation of the respective house properties given by the experts is shown in column no. 7 in above chart, as under:

Sr. No.	First Appeal No.	Compensation as per valuation report
1	First Appeal No. 1229/2022	89,355/-
2	First Appeal No. 2461/2021	89,355/-
3	First Appeal No. 2486/2021	1,32,803/-
4	First Appeal No. 3036/2021	2,06,171/-
5	First Appeal No. 724/2022	1,55,083/-
6.	First Appeal No.2460/2022	1,93,193/-

7. This Court has considered the evidence of Shrishant Barbade - Valuer and Valuation report and enhanced the compensation in connected appeals, which are

arising out of one and the same acquisition proceedings. The orders in those appeals are not challenged, hence attained finality.

8. In respect of awarding interest, the Full Bench of this Court in case of *State of Maharashtra Vs. Kailash Shiva Rangarei* reported in *2016 (3) Mh. L.J. 457* has held that the appellants would be entitled to get interest on the enhanced compensation from the date of the award till realisation of the amount. To that extent, award needs to be modified.

9. In view of the above, I pass the following order :-

ORDER

1. The appeal nos.2460/2021, 2461/2021, 2486/2021, 3036/2021, 1229/2022 and 724/2022 stand allowed as under:

(i) The appellants shall be entitled to get compensation in respect of their respective house properties as shown below.

Sr.No	FA No. & LAR NO.	House No. & Area	Compensation as per valuation report
1	1229/2022 LAR No.87/2008	132/1 & T = 33 Sq. adm. 19.80 Sq. Mt cons. Area & 13.20 open area	89355/-
2	2461/2021 LAR No. 41/2008	133/03	89355/-
3	2486/21 LAR No. 59/2008	240/1 & 31.95 Sq. Mt.	132803/-
4	3036/2021 LAR No. 31/2005	281/1, 2, 3 & 95.90 Sq. Mt	2,06,171/-
5	724/2022 LAR No. 21/2005 (New)	152 & 152 Adm. 32.20 12.5 Sq. Mtrs	155083/-
6.	2460/2021 LAR No.20/2005 (New)	151/23 Adm. 75 Sq. Mtrs.	1,93,193/-

(ii) The appellants shall be entitled to get interest on the enhanced compensation from the date of award till the date of realisation of the amount. However, the delay caused by the appellants in preferring the respective appeals shall be excluded while making the calculation of interest.

(iii) Rest of the terms of the impugned awards stand confirmed.

2. The awards stand modified accordingly.

3. No order as to the costs.

4. The appeals stand disposed of accordingly.

5. In view of the disposal of the first appeals itself, pending civil applications, if any, same stand disposed of.

[S.G.DIGE]
JUDGE

SGA/-