

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

FIRST APPEAL NO. 1517 OF 2021

1. Sopan S/o Sadashiv Kavhale
Age : Major, Occ : Agri.,

2. Ganesh S/o Sadashiv Kavhale
Age : Major, Occ : Agri.,

Both R/o village Kedarwakdi,
Tq. Mantha, Dist. Jalna.

..APPELLANTS
(Orig. Claimants)

-VERSUS-

1. The State of Maharashtra
Through the Collector, Jalna,
having his office at Collector
office, Jalna.

2. The Special Land Acquisition
Officer (MIW), Jalna.

3. The Executive Engineer,
Lower Dudhana Project Division,
Selu, Dist. Parbhani.
Since this department is Abolished
at present Jalna Irrigation Department,
Jalna, Office at Motibagh, Jalna,
Tq. & Dist. Jalna.

..RESPONDENTS
(Original Respondents)

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Mr.V.D. Bhise, advocate for the appellants.
Mr.N.T. Bhagat, AGP for respondent nos.1 and 2.
Mr.N.U. Yadav, advocate for respondent no.3.

...
CORAM : S.G. DIGE, J.
DATE : 29th JUNE, 2022

PER COURT :-

. This appeal is directed against the
judgment and order dated 5th July, 2010 passed by

the District Judge-2, Jalna in L.A.R. No. 50 of 2005.

2. The appellants were the owners of land 2 H 72 R situated at village Mauje Deola, Tq. Partur, Dist. Jalna. The above land was acquired by the Government of Maharashtra for Lower Dudhna Project at Kedar Wakadi, Tq. Mantha, Dist. Jalna. The notification under section 4(1) of the Land Acquisition Act, (for short, "L.A. Act") was published on 14th July, 1995 and the award came to be passed on 22nd July, 1999. The Special Land Acquisition Officer (for short, "SLAO") has determined the market value of their lands at the rate of Rs.506/- per R. The total land admeasuring 2 H 72 R of the appellants was acquired for Lower Dudhna Project, Selu. The appellants had received the amount of compensation on 23rd March, 2000 under protest to the extent of Rs.2,99,672/- and Rs. 2,94,166/- respectively. The award is not reasoned and not based on clear principles. The amount of compensation awarded to the appellants is very meagre and insufficient. Hence the appellants had filed claim petition before the Reference Court for enhancement of amount of Rs.1,88,920/-, including Rs.1,00,000/- for well and pipeline and Rs.1,72,800/-, including Rs.50,000/- for well, Rs.4,000/- for two mango trees and Rs.2,000/- for one Jambhul tree respectively.

3. The respondent nos.1 and 2 filed their written statement and denied the claim of the appellants.

4. Considering the evidence on record, the learned Reference Court has passed the judgment and award directing the respondents to pay the appellants/claimants in L.A.R. No.50/2005 the enhanced amount of compensation of Rs.1,11,795/- with interest @ 12% p.a. as a special component from the date of publication of notification under Section 4(1) of the L.A. Act i.e. 14th July, 1995 till the date of possession i.e. 22nd July, 1999, along with 30% solatium on the difference of market value under section 23(2) of the L.A. Act. The respondents were also directed to pay interest on the above total amount @ 9% p.a. for the first year from the date of award i.e. 22nd July, 1999 to 21st July, 2000 and thereafter @ 15% p.a. till realization of entire amount under Section 28 of the L.A. Act. This first appeal is filed seeking enhancement of compensation.

5. The learned counsel for the appellants submits that there were group of matters in connected with this matter. Those matters are settled before the Lok Adalat. The amount awarded in connected matters is 4th times to the amount awarded by the SLAO. Hence this appeal be decided as per the order passed in Lok Adalat.

6. The learned counsel for respondent no.3 submits that this Court can pass the order as per the amount awarded in the matters settled in Lok Adalat i.e. 4th times of the amount awarded by the SLAO.

7. Considering the submissions of both the learned counsel, I have perused the order passed in group of first appeals in Lok Adalat (Coram : V.L. Achliya, J) dated 28th July, 2020. By the said order, the group of matters are settled before Lok Adalat as per compromise arrived at between the appellants and respondents. As per the compromise memo, the amount is given 4th times more than the amount awarded by the SLAO. Therefore, I pass the same order as this appeal is connected with the appeals settled before Lok Adalat. Hence, I pass the following order :-

ORDER

(i) The appeal is allowed.

(ii) The respondents shall pay the appellants the amount of Rs.2,024/- per R to acquired land as per the matters settled before the Lok Adalat.

(iii) The respondents shall make calculation of total area of appellants land and shall deposit the said amount within 8 weeks before

this Court.

(iv) The appeal is disposed of.

(S.G.DIGE, J.)

SGA