

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

925 FIRST APPEAL NO.1115 OF 2021

LILABAI DATTU PATIL (DIED) THR LRS MADHUKAR &
OTHERS
VERSUS

S.L.A.O (2) U.T.P.H JALGAON & ANOTHER

...

Advocate for Appellants : Mr.A.B.Kale
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.2 : Mr.Darshan Pokharkar

...

AND

927 FIRST APPEAL NO.3708 OF 2022

MANKARNABAI MADHUKAR SHEVALKAR
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

...

Advocate for Appellant : Mr.A.B.Kale
AGP for Respondent-State : Mr.N.T.Bhagat
Advocate for Respondent no.2 : Mr.V.V.Tarde

...

AND

928 FIRST APPEAL NO.3930 OF 2022

KALABAI PRALHAD CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

...

Advocate for Appellant : Mr.A.B.Kale
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.2 : Mr.D.D.Pokharkar

...

AND

931 FIRST APPEAL NO.4279 OF 2022

BHAGWAT KADU BAWASKAR

VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

...
Advocate for Appellant : Mr.A.B.Kale
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.2 : Mr.V.V.Tarde

...
AND
932 FIRST APPEAL NO.612 OF 2023

RAMESH TAPIRAM CHAUDHARI & OTHERS
VERSUS
COLLECTOR, JALGAON & OTHERS

...
Advocate for Appellants : Mr.A.B.Kale
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.2 : Adv.Manjusha S.Jagtap-
Ware

...
AND
933 FIRST APPEAL NO.616 OF 2023
WITH FIRST APPEAL NO.614/2023
WITH FIRST APPEAL NO.617/2023
WITH FIRST APPEAL NO.615/2023
WITH FIRST APPEAL NO.613/2023

MANDABAI SAMPAT DAMBRE (DIED) THR LRS SUKDEO
AND ORS
VERSUS
THE S.L.A.O. (1) U.T.P.H JALGAON AND ANR

...
Advocate for Appellants : Mr.A.B.Kale
AGP for Respondent-State : Ms.R.P.Gaur
Advocate for Respondent no.2 in all FAs : Adv.S.D.Shelke

...
AND
935 FIRST APPEAL NO.1855 OF 2023
WITH FIRST APPEAL NO.1853/2023
WITH FIRST APPEAL NO.1854/2023

RAVINDRA ATMARAM PATIL
VERSUS
SPECIAL LAND ACQUISITION OFFICER, JALGAON
U.T.P.H-1

...

Advocate for Appellant : Mr.A.B.Kale
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.2 in all FAs : Mr.D.D.Pokharkar

...

AND

941 FIRST APPEAL NO.4147 OF 2023
WITH FIRST APPEAL NO.4152/2023
WITH FIRST APPEAL NO.4151/2023
WITH FIRST APPEAL NO.4150/2023
WITH FIRST APPEAL NO.4149/2023
WITH FIRST APPEAL NO.4154/2023
WITH FIRST APPEAL NO.4155/2023
WITH FIRST APPEAL NO.4156/2023
WITH FIRST APPEAL NO.4153/2023
WITH FIRST APPEAL NO.4157/2023
WITH FIRST APPEAL NO.4148/2023

PANDURANG SHANKAR PATIL
VERSUS
SPECIAL LAND ACQUISITION OFFICER 1 UTPH JALGAON
& ANOTHER

...

Advocate for Appellants : Mr.A.B.Kale
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.2 : Mr.D.D.Pokharkar

...

AND

942 CIVIL APPLICATION NO.7471 OF 2023
IN FAST/12758/2023

PARSHURAM RAJARAM PATIL
VERSUS
THE SPECIAL ACQUISITION OFFICER UPPER TAPI
IRRIGATIONPROJECT HATNOOR 2 JALGAON & ANOTHER

...

Advocate for Applicant : Mr.A.B.Kale
AGP for Respondent-State : Ms.R.P.Gaur
Advocate for Respondent no.2 : Mr.V.V.Tarde

...

AND

957 CIVIL APPLICATION NO.6970 OF 2021
IN FAST/16462/2021

WITH

FIRST APPEAL STAMP NO.16462 OF 2021

...

KAILAS BABURAO KUMBHAR
VERSUS
THE S.L.A.O (1) UTPH JALGAON AND ANR

...

Advocate for Applicant-appellant : Mr.A.B.Kale
AGP for Respondent-State : Mr.N.T.Bhagat
Advocate for Respondent no.2 : Mr.V.V.Tarde

...

AND

958 CIVIL APPLICATION NO.6972 OF 2021
IN FAST/16467/2021

WITH

FIRST APPEAL STAMP NO.16467 OF 2021

NARAYAN MADHAV CHAMBHAR
VERSUS
THE S.L.A.O (1) UTPH JALGAON AND ANR

...

Advocate for Applicant : Mr.A.B.Kale
AGP for Respondent-State : Mr.K.N.Lokhande
Advocate for Respondent no.2 : Mr.V.V.Tarde

...

AND

959 CIVIL APPLICATION NO.6977 OF 2021
IN FAST/14905/2021

WITH

FIRST APPEAL STAMP NO.14905 OF 2021

RAISING RAOJI NAIK (DIED) THR LRS PRAKASH AND ORS
VERSUS
STATE OF MAHARASHTRA THR COLLECTOR, JALGAON
AND ORS

...

Advocate for Applicants : Mr.A.B.Kale
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.3 : Mr.V.V.Tarde

...

AND

960 CIVIL APPLICATION NO.6983 OF 2021
IN FAST/14915/2021

WITH

FIRST APPEAL STAMP NO.14915 OF 2021

RAJARAM ZHIPARU CHAUDHARI (DIED) THR LRS
LILABAI (DIED) THR LRS ANIL AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicants : Mr.A.B.Kale
AGP for Respondent-State : Ms.R.P.Gaur
Advocate for Respondent no.2 : Mr.R.A.Tambe

...

AND

963 CIVIL APPLICATION NO.6988 OF 2021
IN FAST/14997/2021

WITH

FIRST APPEAL STAMP NO.14997 OF 2021
WITH CA/6989/2021 IN FAST/15259/2021

WITH

FIRST APPEAL STAMP NO.15259 OF 2021

PRADHAN MAHARU WANJARI
VERSUS
THE S.L.A.O UTPH JALGAON AND ANR

...

Advocate for Applicant : Mr.A.B.Kale
AGP for Respondent-State : Ms.R.P.Gaur
Advocate for Respondent no.2 : Mr.V.V.Tarde

...

AND

964 CIVIL APPLICATION NO.6990 OF 2021
IN FAST/14978/2021

WITH

FIRST APPEAL STAMP NO.14978 OF 2021
WITH CA/6991/2021 IN FAST/15210/2021

WITH

FIRST APPEAL STAMP NO.15210 OF 2021

SHANTABAI TULSHIRAM PATIL (DIED) THR LRS LAXMAN
AND ORS
VERSUS

THE S.L.A.O., UTPH - 1 JALGAON AND ANR

...

Advocate for Applicants : Mr.A.B.Kale
AGP for Respondent-State : Mr.N.T.Bhagat
Advocate for Respondent no.2 : Mr.V.V.Tarde

...

AND

966 CIVIL APPLICATION NO.7015 OF 2021
IN FAST/10158/2021

WITH FAST/10158/2021

WITH CA/7016/2021 IN FAST/10369/2021

WITH FAST/10369/2021

WITH CA/7011/2021 IN FAST/10371/2021

WITH FAST/10371/2021

WITH CA/7017/2021 IN FAST/10373/2021

WITH FAST/10373/2021

WITH CA/7014/2021 IN FAST/10375/2021

WITH FAST/10375/2021

WITH CA/7013/2021 IN FAST/10377/2021

WITH FAST/10377/2021

WITH CA/7010/2021 IN FAST/10380/2021

WITH FAST/10380/2021

WITH CA/7012/2021 IN FAST/10382/2021

WITH FAST/10382/2021

UTTAMCHAND KEWALCHAND JAIN
VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicants : Mr.A.B.Kale
 AGP for Respondent-State : Ms.R.P.Gaur
 Advocate for Respondent no.3 in 7016/2021, 7014/2021,
 7013/2021, 7010/2021, 7012/2021, 6992/2021 and
 6993/2021 : Adv.Manjusha S.Jagtap – Ware
 Advocate for respondent no.3 in CA No.7015/2021 :
 Mr.V.V.Tarde

...

AND

968 CIVIL APPLICATION NO.7027 OF 2021
 IN FAST/13392/2021
 WITH FAST/13392/2021
 WITH CA/7029/2021 IN FAST/13643/2021
 WITH FAST/13643/2021
 WITH CA/7028/2021 IN FAST/13649/2021
 WITH FAST/13649/2021

GAYABAI SHANKAR KALE (DIED) THR LRS GUNTABAI
 VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicant : Mr.A.B.Kale
 AGP for Respondent-State : Mr.K.B.Jadhavar
 Advocate for Respondent no.2 : Mr.D.D.Pokharkar

...

AND

970 CIVIL APPLICATION NO.7032 OF 2021
 IN FAST/11786/2021
 WITH FAST/11786/2021
 WITH CA/7033/2021 IN FAST/11960/2021
 WITH FAST/11960/2021

ABJABAI KEVALCHAND JAIN (DIED) THR LRS KESARIMAL
 AND ORS

VERSUS

THE COLLECTOR, JALGAON

...

Advocate for Applicants : Mr.A.B.Kale
AGP for Respondent-State : Mr.N.T.Bhagat
Advocate for Respondent no.3 : Mr.V.V.Tarde

...

AND

971 CIVIL APPLICATION NO.7130 OF 2021
IN FAST/13897/2021
WITH FAST/13897/2021
WITH CA/7132/2021 IN FAST/13943/2021
WITH FAST/13943/2021
WITH CA/7131/2021 IN FAST/13945/2021
WITH FAST/13945/2021

RAGHUNATH VITHOBA MAHAJAN (DIED) THR LRS
KASTURABAI AND ORS

VERSUS

THE S.L.A.O. (1) UTPH, JALGAON AND ANR

...

Advocate for Applicants : Mr.A.B.Kale
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.2 : Mr.V.V.Tarde

...

AND

972 CIVIL APPLICATION NO.7134 OF 2021
IN FAST/11488/2021
WITH FAST/11488/2021
WITH CA/7136/2021 IN FAST/11644/2021
WITH FAST/11644/2021
WITH CA/7135/2021 IN FAST/11648/2021
WITH FAST/11648/2021

ISHWAR PRALHAD CHAUDHARY

VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicant : Mr.A.B.Kale
AGP for Respondent-State : Ms.R.P.Gaur
Advocate for Respondent no.3 : Mr.V.V.Tarde

...

AND

CIVIL APPLICATION NO. 7186 OF 2021
IN FAST/11536/2021
WITH FAST/11536/2021
WITH CA/7189/2021 IN FAST/11654/2021
WITH FAST/11654/2021
WITH CA/7190/2021 IN FAST/11660/2021
WITH FAST/11660/2021

KADU RAMU TEMKAR
VERSUS
THE COLLECTOR, JALGAON

...

Advocate for Applicant : Mr.A.B.Kale
AGP for Respondent-State : Mr.N.T.Bhagat
Advocate for Respondent no.3 : Mr.V.V.Tarde

...

AND

974 CIVIL APPLICATION NO.7192 OF 2021
IN FAST/12827/2021
WITH FAST/12827/2021
WITH CA/7197/2021 IN FAST/13344/2021
WITH FAST/13344/2021
WITH CA/7193/2021 IN FAST/13347/2021
WITH FAST/13347/2021

PRAKASH KADU BAVISKAR (DIED) THR LRS SHANTABAI
AND ORS
VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicants : Mr.A.B.Kale
AGP for Respondent-State : Mr.N.T.Bhagat
Advocate for Respondent no.2 : Mr.D.D.Pokharkar

...

AND

982 CIVIL APPLICATION NO.3344 OF 2023
IN FAST/927/2023
WITH FAST/927/2023

FAKIRA TRAMBAK CHAUDHARI DIED THR LRS PADMABAI
FAKIRACHAUDHARI AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-1 UPPER TAPI
PROJECT HATNOOR, JALGAON AND ANR

...

Advocate for Applicants : Mr.A.B.Kale
AGP for Respondent-State : Mr.N.T.Bhagat
Respondent no.2 served.

...

AND

984 CIVIL APPLICATION NO.9064 OF 2023
IN FAST/15545/2023
WITH FAST/15545/2023

EKNATH RAVAJI GAWANDE
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-1 UPPER TAPI
PROJECT HATNOOR JALGAON AND ANR

...

Advocate for Applicants : Mr.A.B.Kale
AGP for Respondent-State : Ms.R.P.Gaur
Advocate for Respondent no.2 : Mr.D.D.Pokharkar

...

AND

986 CIVIL APPLICATION NO.9067 OF 2023
IN FAST/15541/2023
WITH FAST/15541/2023
WITH CA/9068/2023 IN FAST/15543/2023
WITH FAST/15543/2023

PANDURANG SUPADU CHINCHOLE DIED THR LRS
RAVINDRA PANDURANG PATIL (CHINCHOLE) AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-1 UPPER TAPI
PROJECT HATNOOR JALGAON AND ANR

...

Advocate for Applicants : Mr.A.B.Kale
AGP for Respondent-State : Mr.K.B.Jadhavar

Advocate for Respondent no.2 : Mr.D.D.Pokharkar

...

AND

988 CIVIL APPLICATION NO.10142 OF 2023
IN FAST/21026/2023
WITH FIRST APPEAL STAMP NO.21026 OF 2023

SITARAM SUPADU CHINCHOLE DIED THR LRS JIJABAI
SITARAM CHINCHOLE & OTHERS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER UTPH 1
JALGAON & ANOTHER

...

Advocate for Applicants : Mr.A.B.Kale
AGP for Respondent-State : Mr.N.T.Bhagat
Advocate for Respondent no.2 : Adv.Manjusha S. Jagtap –
Ware

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 02.11.2023

P.C. :

1] Heard the learned counsel appearing for the parties.

2] Civil Application Nos.7471/2023, 9064/2023, 9067/2023, 9068/2023 and Civil Application No.10142/2023 are filed to condone delay in filing First Appeals. The learned counsel for the applicants submits that the claimants shall not claim any interest and statutory benefits for the delayed period.

3] For the reasons stated in the Civil Applications, the same are allowed subject to condition that the

applicants – claimants shall not claim interest and statutory benefits for the delayed period. Delay of 4804, 6490 and 6559 days is condoned. Civil Applications are disposed of accordingly. Appeals be registered.

4] Heard the learned counsel for the parties in the First Appeals.

5] The learned counsel for the appellants – original claimants. These matters can be disposed of in terms of the order dated 20.10.2023 passed in First Appeal No.3331 of 2023 and order dated 19.10.2023 passed in First Appeal No.5165 of 2017 along with connected matters. The learned counsel for the appellants has placed on record chart of all appeals and same is taken on record and marked as 'X-1' for identification purpose.

6] The learned counsel for the respondent – acquiring body has placed on record a letter dated 01.11.2023 issued by the Executive Engineer, Waghur Dharan Vibhag, Jalgaon whereby instructions are received that the amount of compensation be accepted at Rs.2,00,000/- for jirayat land, Rs.4,00,000/- for bagayat land and as far as trees are concerned, 80% of the valuation is accepted. The said letter is taken on record and same is marked as 'X-1' for identification purpose.

7] In terms of the order dated 20.10.2023 passed in First Appeal No.3331 of 2023 and order dated 19.10.2023 passed in First Appeal No.5165 of 2017 along with connected matters and also in view of the communication dated 01.11.2023, which is in conformity with the order dated 19.10.2023 passed in First Appeal No.5165 of 2017 and the submissions of the learned counsel appearing for the acquiring body, the following order is passed :

ORDER

i] The award of the Reference Court is modified to the extent of Bagayat land and the appellants are granted compensation of Rs.4 lacs per hectare to the Bagayat land and as far as trees are concerned, the claimants are entitled to receive compensation to the extent of 80% of the amount of the valuation report.

ii] Remaining compensation and interest would be worked out accordingly by the Executing Court. Other statutory benefits would also be worked out by the Executing Court.

iii] Award be modified accordingly. First Appeals are disposed of. All pending Civil Applications, if any, stand disposed of.

[ARUN R. PEDNEKER]
JUDGE