



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

15 FIRST APPEAL NO.2076 OF 2023

**NATTHU DASHRATH VASANE (DIED) THR LRS
MATHURABAI AND ORS
VERSUS
THE SPECIAL LAND ACQUISITIO**

...

Advocate for Appellants : Mr. B.K. Pawar h/f Mr.A.B.Kale
AGP for Respondent-State : Mr. Ruchir S. Wani
Advocate for Respondent no.2 : Mr. V.V. Tarde

AND

16 FIRST APPEAL NO.3296 OF 2023

**PANDURANG GANGARAM PATIL
VERSUS
THE SPECIAL LAND ACQ. OFFICER AND ORS**

...

Advocate for Appellants : Mr. B.K. Pawar h/f Mr.A.B.Kale
AGP for Respondent-State : Ms. M.L. Sangit
Advocate for Respondent no.2 : Mr. S.R. Patil

AND

17 FIRST APPEAL NO.3340 OF 2023

**DEVIDAS VITHOBA MAHAJAN L.RS. NARMADBAI
DEVIDAS MAHAJAN AND ORS
VERSUS
THE SPECIAL LAND ACQ. OFICER AND ANR**

...

Advocate for Appellants : Mr. B.K. Pawar h/f Mr.A.B.Kale
AGP for Respondent-State : Ms. M.L. Sangit
Advocate for Respondent no.2 : Mr. S.R. Patil

AND**71 CIVIL APPLICATION NO.6968 OF 2021 IN FAST/16439/2021**

SHENPHADU RAMJI BHOI
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Appellants : Mr. B.K. Pawar h/f Mr.A.B.Kale
AGP for Respondent-State : Ms. M.L. Sangit
Advocate for Respondent no.2 : Mr. V.V. Tarde

AND**72 CIVIL APPLICATION NO.12979 OF 2022 IN FAST/19311/2022**

SHANTARAM ATMARAM SONAWANE (DIED) THR LRS.
DHIRAJ S. SONAWANE AND OTHERS
VERSUS
THE STATE (SPECIAL LAND ACQUISITION OFFICER,
JALGAON)AND ANR

...

Advocate for Appellants : Mr. B.K. Pawar h/f Mr.A.B.Kale
AGP for Respondent-State : Mr. N.S. Tekale
Advocate for Respondent no.2 : Mr. V.V. Tarde

AND**73 CIVIL APPLICATION NO.3264 OF 2023 IN FAST/1135/2023**

MANGO FAKIRA KOLI DIED THR LRS SITARAM MANGO
KOLI ANDORS
VERSUS
THE COLLECTOR, JALGAON AND ORS

...

Advocate for Appellants : Mr. B.K. Pawar h/f Mr.A.B.Kale
AGP for Respondent-State : Mr. Ruchir S. Wani
Advocate for Respondent no.2 : Mr. V.V. Tarde

AND

75 CIVIL APPLICATION NO.3989 OF 2023 IN FAST/6080/2023

PUNDALIK HARI CHAUDHARI
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER(2), UTPH,
JALGAON AND ANR

...

Advocate for Appellants : Mr. B.K. Pawar h/f Mr.A.B.Kale
AGP for Respondent-State : Mr. N.S. Tekale
Advocate for Respondent no.2 : Mr. S.R. Patil

AND

76 CIVIL APPLICATION NO.3996 OF 2023 IN FAST/6073/2023

SHANTABAI RAMDAS CHAUDHARI DIED THR LRS
GANESH RAMDASPATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER(2), UTPH,
JALGAON AND ANR

...

Advocate for Appellants : Mr. B.K. Pawar h/f Mr.A.B.Kale
AGP for Respondent-State : Mr. Ruchir S. Wani
Advocate for Respondent no.2 : Mr. D.D. Pokharkar

AND

80 CIVIL APPLICATION NO.6496 OF 2023 IN FAST/13661/2022

SHIRISH BALIRAM PATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER PART-1,
JALGAON AND ANR

...

Advocate for Appellants : Mr. B.K. Pawar h/f Mr.A.B.Kale
AGP for Respondent-State : Ms. M.L. Sangit
Advocate for Respondent no.2 : Mr. D.D. Pokharkar

AND

82 CIVIL APPLICATION NO.9731 OF 2023 IN FAST/15483/2023

RAMDAS TUKARAM KALBAILE AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-1 UPPER TAPI
PROJECT HATNOOR JALGAON AND ANR

...

Advocate for Appellants : Mr. B.K. Pawar h/f Mr.A.B.Kale
AGP for Respondent-State : Mr. N.S. Tekale
Advocate for Respondent no.2 : Ms. Manjusha Ware

AND

100 CIVIL APPLICATION NO.10138 OF 2023 IN FAST/21437/2023

TUKARAM BAPU CHAUDHARI DIED THR LRS INDUBAI
TUKARAM CHAUDHARI AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER UPTH
JALGAON ANDANR

...

Advocate for Appellants : Mr. B.K. Pawar h/f Mr.A.B.Kale
AGP for Respondent-State : Mr. Ruchir S. Wani
Advocate for Respondent no.2 : Ms. Manjusha

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CORAM : ARUN R. PEDNEKER, J.

DATE : 04.12.2023

P.C. :

1] Civil Application Nos.6968/2021, 12979/2021, 3264/2023, 3989/2023, 3996/2023 filed for condonation of delay in filing the First Appeals are already disposed of vide orders of this Court dated 19/10/2022, 24/04/2023, 30/08/2023 respectively.

3] In the aforestated civil applications, office note shows that, as per Hon'ble Court's orders, advocate for the appellants have not removed office objections till today, and hence the First Appeals are not registered.

4] Appellants are directed to remove office objections within a period of four (04) weeks from today.

5] Civil Application No.6996/2023 is filed for restoration of First Appeal with a prayer to condone the delay of 152 days in filing the restoration application.

6] The First Appeal was dismissed by the Registrar (Judicial) of this Court vide order dated 12.07.2022 for non removal of the office objections.

7] For the reasons stated in the Civil Application, the same is allowed. The order dated 12.07.2022 passed by the Registrar (Judicial) is quashed and set aside. The appeal be restored.

8] Appellants are directed to remove all office objections within four (04) weeks from today.

9] Civil Application Nos. 9731/2023 and Civil Application No.10138/2023 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.

10] For the reasons stated in the Civil Applications, CA/9731/2023 and 10138/2023 for condonation of delay are allowed subject to condition that the applicants – claimants shall not claim interest and statutory benefits for the delayed period. Delay of 5091 and 8011 days is accordingly condoned. Civil Applications are disposed of. Appeals be registered.

11] Appellants are directed to remove all office objections within four (04) weeks from today.

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

13] The learned counsel for the appellants – original claimants submits that the order dated 02.11.2023 passed in First Appeal No.1115 of 2021 along with other connected matters is squarely applicable to the instant appeals. There is no dispute raised by the learned counsel for the acquiring body.

14] Learned counsel for the appellant has also produce the chart of compensation for bagayat land. The same is taken on record and marked as 'X' for identification purpose. The said chart is also accepted by the learned counsel for the acquiring body.

15] In terms of the order dated 02.11.2023 passed in First Appeal No.1115 of 2021 and along with connected matters, 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. Executing Court to take into consideration the orders passed while condoning the delay in filing appeal while computing the interest and statutory benefits for the delayed period.

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

iv] If all the office objections are not removed within stipulated period, this order shall not be executed.

[ARUN R. PEDNEKER]
JUDGE

S.P. Rane