

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

947 FIRST APPEAL NO.2525 OF 2022

BAJESING DALPATSING GIRASE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, DHULE
AND ORS

...
Advocate for Appellant : Mr. Kale Ajeet B.
AGP for Respondents: Mrs P. V. Diggikar
Advocate for Respondent 3 : Mr. Pawar Ajay D.

...
AND

948 FIRST APPEAL NO.2526 OF 2022

NANABHAU DAGA BHAMARE (DIED) THR LRS SUMANBAI
AND ORS
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, DHULE
AND ORS

...
Advocate for Appellant : Mr. Kale Ajeet B.
AGP for Respondents: Mrs P. V. Diggikar
Advocate for Respondent 3 : Mr. Pawar Ajay D.

...
AND

949 FIRST APPEAL NO.2527 OF 2022

SAKHARAM VEDU BHAMARE (DIED) THR LRS UNDA AND
ORS
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, DHULE
AND ORS

...
Advocate for Appellant : Mr. Kale Ajeet B.
AGP for Respondents: Mr PM. Kulkarni
Advocate for Respondent 3 : Mr. Pawar Ajay D.

...

950 FIRST APPEAL NO.2528 OF 2022

UNDA SAKHARAM BHAMARE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, DHULE
AND ORS

...

Advocate for Appellant : Mr. Kale Ajeet B.
AGP for Respondents: Mr S.S. Dande
Advocate for Respondent 3 : Mr. Pawar Ajay D.

...

951 FIRST APPEAL NO.2529 OF 2022

SOMNATH TAPIRAM BHIL (DIED) THR LRS RUKHMABAI
SOMANTHMALCHE (BHIL) AND ORS
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, DHULE
AND ORS

...

Advocate for Appellant : Mr. Kale Ajeet B.
AGP for Respondents: Mrs P. V. Diggikar
Advocate for Respondent 3 : Mr. Pawar Ajay D.

...

952 FIRST APPEAL NO.2530 OF 2022

BAJESING DALPAT GIRASE AND ANR
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, DHULE
AND ORS

...

Advocate for Appellant : Mr. Kale Ajeet B.
AGP for Respondents: Mr A.B. Chate
Advocate for Respondent 3 : Mr. Pawar Ajay D.

...

953 FIRST APPEAL NO.2531 OF 2022

SAHEBRAO LALSING GIRASE
VERSUS

THE STATE OF MAHARASHTRA THR COLLECTOR, DHULE
AND ORS

...

Advocate for Appellant : Mr. Kale Ajeet B.
AGP for Respondents: Mr P.M. Kulkarni
Advocate for Respondent 3 : Mr. Pawar Ajay D.

...

AND

954 FIRST APPEAL NO.2532 OF 2022

SAHEBRAO LALSING GIRASE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, DHULE
AND ORS

...

Advocate for Appellant : Mr. Kale Ajeet B.
AGP for Respondents: Mr S.S. Dande
Advocate for Respondent 3 : Mr. Pawar Ajay D.

...

CORAM : S. G. CHAPALGAONKAR, J.
Dated: July 12, 2023

...

PER COURT :-

1. These appeals are arising out of the award passed in respective land acquisition references.

2. It is submitted by the learned Advocates appearing for the appellant/s as well as respondents that, a group of appeals arising out of the same acquisition has been disposed of by this Court under order dated 27/4/2023, in First Appeal No.3738/2019 and other connected appeals. It is also submitted that, in fact, in the connected matters arising out of the same acquisition, the settlement took place in Lok-Adalat dated 08/02/2020 and acquiring body agreed that, they shall pay compensation amount as per 85% of valuation report
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submitted by those claimants before the Reference Court. It was agreed by the acquiring body that the aforesaid compensation in respect of house properties shall be paid within a period of one year from the date of compromise. Moreover, it was also agreed between those parties that the appellants – claimants would be entitled to interest under Section 28 of the Land Acquisition Act from the date of award and not from the date of notification. Accordingly, the award has been passed before the Lok-Adalat dated 08/02/2020.

3. Mr. Kale, learned Advocate appearing for the appellant/s would further draw attention of this Court towards observations in Paragraph No.4 of the common order passed in First Appeal No.3738/2019, which states as under:

“4. It is significant to note that the concerned officer of the acquiring body was present before this court on 12th April, 2023 and it is mentioned in the order passed on that day that the said officer had infact issued communication dated 03/03/2023, wherein it was mentioned that the acquiring body is ready to settle the matters in respect of compensation regarding house properties under acquisition in all these appeals by awarding 85% of the rate mentioned in the valuation report. The said officer had consented for disposing the appeals by granting such rate and award of interest under Section 28 of the Land Acquiring Act from the date of award. The learned counsel for the acquiring body had also consented for such disposal of these appeals. In view of the same, following order is passed.

4. Considering the submissions advanced, these appeals can be disposed off. Hence, the following order:

ORDER

- (i) The Appeals are partly allowed and the acquiring body shall pay compensation amount to the

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appellants – claimants in respect of their house properties at the rate of 85% of the valuation report submitted by these appellants – claimants before the Reference Court.

- (ii) Respondent – acquiring body shall pay the interest under Section 28 of the Land Acquisition Act from the date of award.
- (iii) The acquiring body shall deposit the amount of enhanced compensation as aforesaid within a period of one year from the date of this order in Reference Court and on such deposit, all these appellants – claimants are permitted to withdraw their respective amounts of compensation.
- (iv) In case, the payment is not made by the acquiring body within a period of one year, then it shall carry statutory interest till its realization.
- (v) The award be modified accordingly.
- (vi) Pending civil applications also stand disposed off.

(S. G. CHAPALGAONKAR, J.)

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