

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

920 CIVIL APPLICATION NO.1085 OF 2023
IN FAST/30548/2022 WITH FAST/30548/2022

MOTIRAM CHAITRAM MAHALE (DECEASED) LAXMIBAI M.
MAHALE(CHAMBHAR) (DECEASED)THR LRS. DAYARAM
AND ORS
VERSUS
THE COLLECTOR, DHULE AND OTHERS

...

AND

921 CIVIL APPLICATION NO.1088 OF 2023
IN FAST/30552/2022 WITH FAST/30552/2022

BAKHATBAI KHUMANSING GIRASE (DECEASED) NATHUSING
(DECEASED) THR LRS. CHABUBAI AND ORS
VERSUS
THE COLLECTOR, DHULE AND OTHERS

...

AND

922 CIVIL APPLICATION NO.1089 OF 2023
IN FAST/30534/2022 WITH FAST/30534/2022

JAYSING BHILESING GIRASE
VERSUS
THE COLLECTOR, DHULE AND OTHERS

...

AND

923 CIVIL APPLICATION NO.1090 OF 2023
IN FAST/30541/2022 WITH FAST/30541/2022

RANSING ZINGA GIRASE
VERSUS
THE COLLECTOR, DHULE AND OTHERS

...
AND

924 CIVIL APPLICATION NO.1094 OF 2023
IN FAST/30061/2022 WITH CA/1093/2023 IN
FAST/30054/2022 WITH CA/1095/2023 IN
FAST/30066/2022 WITH FAST/30054/2022 WITH
FAST/30066/2022

JITENDRA DASBHAU GIRASE
VERSUS
THE COLLECTOR, DHULE AND OTHERS

...
AND

925 CIVIL APPLICATION NO.1096 OF 2023
IN FAST/30239/2022 WITH CA/1097/2023 IN
FAST/30241/2022 WITH FAST/30239/2022
WITH FAST/30241/2022

KOMAL SUKA GIRASE
VERSUS
THE COLLECTOR, DHULE AND OTHERS

...
AND

926 CIVIL APPLICATION NO.1102 OF 2023
IN FAST/30232/2022 WITH CA/1103/2023 IN
FAST/30235/2022 WITH CA/1104/2023 IN
FAST/30237/2022 WITH FAST/30235/2022
WITH FAST/30237/2022 WITH FAST/30232/2022

DHONDU SURTA SHIRUDE
VERSUS
THE COLLECTOR, DHULE AND OTHERS

...
AND

927 CIVIL APPLICATION NO.1105 OF 2023
IN FAST/30228/2022 WITH CA/1106/2023 IN

FAST/30230/2022 WITH FAST/30228/2022 WITH
FAST/30230/2022

PREMSING HAMBAR GIRASE DIED THR LR KALABAI
PREMSING GIRASE
VERSUS
THE COLLECTOR, DHULE AND OTHERS
...
AND

928 CIVIL APPLICATION NO.1107 OF 2023
IN FAST/30212/2022 WITH CA/1108/2023 IN
FAST/30214/2022 WITH CA/1109/2023 IN
FAST/30216/2022 WITH FAST/30212/2022
WITH FAST/30214/2022 WITH FAST/30216/2022

DILIP RAJESING GIRASE DIED THR LRS SUSHILABAI
DILIPSING GIRASE
VERSUS
THE COLLECTOR, DHULE AND OTHERS

...
Advocate for Applicants : Mr. Kale Ajeet B.
AGP for Respondents: Mr. S.S. Dande / Ms. P.V. Diggikar
Ms. Manjusha Jagtap advocate for respondent no.3.

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

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PER COURT :-

1. Heard the learned advocates for the respective parties.
2. Considering the submissions advanced and the reasons stated in the application, the case is made out to condone the delay. Hence, civil applications are allowed. The delay caused in filing the appeal is condoned. Civil applications for condonation of delay are disposed off.

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3. On registration of the appeal, heard learned advocates appearing for the respective parties.

4. The parties are *ad-idem* on the point that all these appeals can be disposed off in terms of the orders passed in connected matters arising out of the same acquisition. Learned advocates appearing for the respective parties placed reliance on the orders passed by this Court dated 27.4.2023 in FA 3738 of 2019 and other first appeals, similarly the reliance is placed on order 22.6.2023 in FAST 19867 of 2020 with CA no.2914 of 2021.

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

6. 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 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
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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.

7. 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.

8. Considering the submissions advanced, these appeals can be disposed of. Hence, the following order:

ORDER

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