

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

29 FIRST APPEAL NO. 1135 OF 2023

BALUBAI HATESING GIRASE
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND

30 FIRST APPEAL NO. 698 OF 2021
WITH FIRST APPEAL NO. 699 OF 2021
WITH FIRST APPEAL NO. 700 OF 2021

GANPAT THANSING GIRASE
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND

31 FIRST APPEAL NO. 702 OF 2021
WITH FIRST APPEAL NO. 704 OF 2021
WITH FIRST APPEAL NO. 705 OF 2021

BABU DHUDKU PAWAR
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND

32 FIRST APPEAL NO. 708 OF 2021
WITH FIRST APPEAL NO. 706 OF 2021
WITH FIRST APPEAL NO. 707 OF 2021

HIMMAT BHAGWAN GIRASE
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND

33 FIRST APPEAL NO. 710 OF 2021
WITH FIRST APPEAL NO. 711 OF 2021
WITH FIRST APPEAL NO. 709 OF 2021

KOMALSING BHAGWA GIRASE
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND

34 FIRST APPEAL NO. 714 OF 2021
WITH FIRST APPEAL NO. 716 OF 2021
WITH FIRST APPEAL NO. 715 OF 2021

SUMANBAI HILAL PAWAR
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND

35 FIRST APPEAL NO. 717 OF 2021
WITH FIRST APPEAL NO. 719 OF 2021
WITH FIRST APPEAL NO. 718 OF 2021

INDRASING GOTESING GIRASE (DIED) THR LRS
KALPANABAI
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND

36 FIRST APPEAL NO. 720 OF 2021
WITH FIRST APPEAL NO. 721 OF 2021
WITH FIRST APPEAL NO. 722 OF 2021

DHAKU DASHRATH MAHALE (DIED) THR LRS BHATABAI
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND

37 FIRST APPEAL NO. 723 OF 2021
WITH FIRST APPEAL NO. 724 OF 2021
WITH FIRST APPEAL NO. 725 OF 2021

PURUSHOTTAM KESHAV SHIRUDE
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND

38 FIRST APPEAL NO. 1136 OF 2023

BHATU KHUSHAL SALAVE (DIED) THR LRS SAVITRIBAI
BHATU SALAVE AND ANOTHER
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND

39 FIRST APPEAL NO. 1137 OF 2023

DILIP BAJESING GIRASE
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND

40 FIRST APPEAL NO. 1138 OF 2023

YOGESH NAWALSING GIRASE
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND

41 FIRST APPEAL NO. 1139 OF 2023

DADABHAU VEDU GIRASE
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND

42 FIRST APPEAL NO. 2196 OF 2023

HARSING LALSING GIRASE
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND

43 FIRST APPEAL NO. 2197 OF 2023

MANGA NAMDEO PAWAR (DIED) THR LRS INDUBAI MANGA

PAWAR AND ANOTHER
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND
44 FIRST APPEAL NO. 2198 OF 2023

ANANDSING MANGA GIRASE
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND
45 FIRST APPEAL NO. 2199 OF 2023

VASANT HARI WANI (KOTHAWADE)
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND
46 FIRST APPEAL NO. 2200 OF 2023

BAPURAO KASHINATH WANI
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND
47 FIRST APPEAL NO. 2325 OF 2023

RAGHUNATH SHENPADU BHIL (MALCHE)
VERSUS
THE COLLECTOR DHULE AND OTHERS

AND
48 FIRST APPEAL NO. 2377 OF 2023

MAHADU INDARSING GIRASE
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER MEDIUM
IRRIGATION DHULE AND OTHERS

...
Mr. B.K. Pawar a/w. Ms. S.A. Kale h/f. Mr. A.B. Kale –
Advocate for Appellants
Mr. S.N. Kendre, Mr. B.V. Virdhe, Mr. S.P. Tiwari and Mr. R.D.
Sanap – AGP's for Respondents, State
Ms. M.S. Jagtap, Mr. M.S. Kokate, Mr. V.V. Tarde, Mr. D.D.
Pokharkar, Mr. D.B. Rasve h/f. Mr. A.D. Pawar – Advocates for
respective Respondents

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 17th July, 2023

PER COURT :

1. Heard rival submissions.
2. All these appeals are filed by the respective appellants – claimants challenging the respective impugned judgments and awards passed by the learned Civil Judge Senior Division, Dhule in their respective Land Acquisition References.
3. It is brought to the notice by the learned Counsel – Mr. A.B. Kale for the appellants – claimants that the other connected matters arising out of the same acquisition were already settled in Lok Adalat dated 8th February, 2020 by way of compromise between the appellants – claimants therein and the respondent – acquiring body. It was decided at the relevant time that, acquiring body had accepted to pay compensation

amounts in respect of house properties mentioned therein to the extent 85% of the valuation reports filed before the learned Reference Court within a period of one year from the date of compromise. Further, it was also agreed by the appellants – claimants therein to accept the interest under Section 20 of the Land Acquisition Act from the date of award instead of date of notification.

4. It is significant to note that, in view of the said compromise or settlement in the aforesaid Lok Adalat dated 8th February, 2020, this Court vide order dated 27th April, 2023 also disposed off bunch of appeals namely First Appeal No.3738 of 2019 and others arising out of same acquisition, on the same conditions.

5. The respective learned Counsel for the respondent – acquiring body in all these appeals also accepted the aforesaid fact of compromise and prayed for disposing the appeals on the same terms and conditions.

6. In view of the same, following order is passed :

ORDER

(i) All these appeals are partly allowed and the respondent – acquiring body shall pay compensation amount to all these appellants – claimants in respect of their house properties mentioned therein at the rate of 85% of the valuation report submitted by these appellants before the learned Reference Court.

(ii) The respondent – acquiring body shall pay the interest under Section 28 of the Land Acquisition Act from the date of award.

(iii) The respondent – acquiring body shall deposit the amount of enhanced compensation as aforesaid, within a period of one year from the date of this order directly in Reference Court and on such deposit, all these appellants – claimants are permitted to withdraw their respective amounts of compensation alongwith the interest.

(iv) In case the payment is delayed by the respondent – acquiring body even after period of one year then it shall

carry the statutory interest till its realization.

(v) The concerned appellants – claimants are directed to pay the deficit Court Fees, if any, at the time of modification of awards.

(vi) The awards be modified accordingly and the pending Civil Applications, if any, also stand disposed of.

[SANDIPKUMAR C. MORE]
JUDGE