

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 FIRST APPEAL NO.5165 OF 2017
VIVEK PRAKASH ROKADE
VERSUS
DISTRICT COLLECTOR, JALGAON AND ORS

WITH

FIRST APPEAL NO.5166 OF 2017
KISHOR RAGHUNATH MALI
VERSUS
DISTRICT COLLECTOR, JALGAON AND ORS

WITH

FIRST APPEAL NO.5167 OF 2017
RAJDHAR BHIKA MALI DIED THR LRS SHANTABAI AND ORS
VERSUS
DISTRICT COLLECTOR, JALGAON AND ORS

WITH

FIRST APPEAL NO.5168 OF 2017
RAGHUNATH KAUTIK MALI
VERSUS
DISTRICT COLLECTOR, JALGAON AND ORS

WITH

FIRST APPEAL NO.5169 OF 2017
KALPANA ARJUN MALI
VERSUS
DISTRICT COLLECTOR, JALGAON AND ORS

WITH

**FIRST APPEAL NO.5170 OF 2017
PRASHANT PUNDLIK MALI
VERSUS
DISTRICT COLLECTOR, JALGAON AND ORS**

WITH

**FIRST APPEAL NO.5171 OF 2017
NARENDRA NATHU ROKADE
VERSUS
DISTRICT COLLECTOR, JALGAON AND ORS**

WITH

**FIRST APPEAL NO.5172 OF 2017
NIRMALA PRAKASH ROKADE
VERSUS
DISTRICT COLLECTOR, JALGAON AND ORS**

Mr.A.B. Kale, Advocate for the appellants.

Mr.S.B. Pulkundwar, AGP for the respondent/State.

Mr.D.D. Pokarkar, Advocate for respondent No.4.

Mr.B.K. Patil, Advocate for respondent No.4 in FA/5170/2017 only.

**CORAM : KISHORE C. SANT, J.
DATED : 19.10.2023**

PC :-

01. These appeals are arising out of judgment and awards dated 10.09.2015 passed in the respective land acquisition references filed by the appellants herein. The learned Reference Court by way of award has enhanced the compensation for the lands acquired by the respondents. He urged to allow these appeals. The award and the notification are the same.

The lands are acquired for the same project and therefore, the matters are taken up together for final disposal.

02. By way of the award the same rate was awarded. The appellants had filed the references claiming the amount at the rate of Rs. 10,00,000/- for dry land and Rs. 20,00,000/- for Bagayat land. The learned Reference Court, however, awarded the amount @ Rs.6,00,000/- per hectare for Bagayat land and Rs.3,00,000/- per hectare for Jirayat land. This Court in First Appeal No. 2211/2014 awarded Rs. 8,00,000/- per hectare for dry land and Rs. 16,00,000/- per hectare for Bagayat land vide its judgment and order dated 12.10.2015.

03. The order of the Reference Court is only by increasing the amount of compensation and rest of the award was maintained as it is. The learned Advocates for the respondents do not dispute this position. It is also accepted that in view of this judgment some of the matters from the same award were even settled in Lok Adalat in District Court where the references were pending and such references were disposed off in view of the judgment dated 12.10.2015. It is informed that present matters were only left out from the

group for some technical reasons. This Court by judgment and order dated 12.10.2015 has already considered the claims of the parties, the evidence led before the learned Reference Court and has modified award as stated therein. This Court finds that there is no reason to take a different view when the parties accept that the said judgment and order was in respect of the same village and in respect of the same project and the position of land is also similar.

04. This Court, therefore, finds that as regards the trees are concerned, it was decided that the claimants would be entitled to receive 80% amount of the valuation, as submitted before the Reference Court and on the basis of the evidence of valuer. This Court finds that there is no propriety in taking any different view. In view of this, these appeals are allowed by only modifying the amount of compensation as Rs. 8,00,000/- (Rupees Eight Lakhs Only) per hectare for dry land and Rs. 16,00,000/- (Rupees Sixteen Lakhs Only) per hectare for Bagayat/Irrigated land and 80% of the amount of valuation for the trees. The modified amounts of compensation in the First Appeals shall be as per the chart given below :-

Sr. No.	First Appeal No.	Party Name	LAR No.	Area Add	Compensation for Bagayat land. Per hectare. (Rs.)
1	5165/17	Vivek Prakash Rokade	351/10	0H 79R	16,00,000/-
2	5166/17	Kishor Rangnath Mali	347/10	0H 82R	16,00,000/-
3	5167/17	Rajdhar Bhika Mali	350/10	2H 11R 0H 10R PK	16,00,000/-
4	5168/17	Rangnath Kautik Mali	354/10	0H 94R	16,00,000/-
5	5169/17	Kalpana Arjun Mali	346/10	0H 51R	16,00,000/-
6	5170/17	Prashant Pundlik Mali	355/10	0H 40R	16,00,000/-
7	5171/17	Narendra Natthu Rokade	352/10	0H 48R	16,00,000/-
8	5172/17	Nirmalabai Prakash Rokade	353/10	0H 26R	16,00,000/-

06. In view of the above, the appeals stand partly allowed and are accordingly disposed off.

07. Needless to say that the other statutory benefits as granted by the Reference Court are upheld and maintained.

08. It is further clarified that the claimants will be entitled to receive the interest as per law.

[KISHORE C. SANT, J.]