



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

57 FIRST APPEAL NO. 1426 OF 2020

PUNDLIK VITHALRAO JADHAV (DIED) THR LRS DNYANOBA AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

WITH

FIRST APPEAL NO. 2542 OF 2021

HAZARATBI AHEMADSAB
VERSUS
THE STATE OF MAHARASHTRA AND ORS

WITH

FIRST APPEAL NO. 2541 OF 2021

AHEMAD HUSSAIN HYDERSAB
VERSUS
THE STATE OF MAHARASHTRA AND ORS

WITH

FIRST APPEAL NO. 2540 OF 2021

SHADUL SYD. RASOOL
VERSUS
THE STATE OF MAHARASHTRA AND ORS

59 FIRST APPEAL NO. 803 OF 2021

VISHNUKANT PUNDLIK JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ORS

60 FIRST APPEAL NO. 986 OF 2021

YAWAR HUSAIN HYDERKHAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR, NANDED AND OTHERS

61 FIRST APPEAL NO. 2544 OF 2021

SYD. RASSOL SYD. ISMAIL
VERSUS
THE STATE OF MAHARASHTRA AND ORS

64 FIRST APPEAL NO. 137 OF 2022

MAROTI YADAVRAO SURYAWANSHI (DIED) THR LRS KALIDAS AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

65 FIRST APPEAL NO. 138 OF 2022

NARSING SAMBHAJI SURYAWANSHI

VERSUS

THE STATE OF MAHARASHTRA AND ORS

68 FIRST APPEAL NO. 403 OF 2022

MADHAVRAO SHYAMRAO PATIL THR HIS GPA HOLDER EKNATH

VERSUS

THE STATE OF MAHARASHTRA AND ORS

69 FIRST APPEAL NO. 412 OF 2022

GANGADHAR YADAVRAO SURYAWANSHI

VERSUS

THE STATE OF MAHARASHTRA AND ORS

70 FIRST APPEAL NO. 413 OF 2022

APPARAO PANDURANG SURYAWANSHI (DIED) THR LRS KAUSHABAI AND ORS

VERSUS

THE STATE OF MAHARASHTRA AND ORS

71 FIRST APPEAL NO. 416 OF 2022

MAHADU IRBA GADERAO (DIED) THR LRS SHESHAO AND ANR

VERSUS

THE STATE OF MAHARASHTRA AND ORS

72 FIRST APPEAL NO. 418 OF 2022

GUNDABAI PUNDLIKRAO JADHAV THR GPA DNYANOBA PUNDLIK JADHAV

VERSUS

THE STATE OF MAHARASHTRA AND ORS

73 FIRST APPEAL NO. 435 OF 2022

NAGORAO ARJUNRAO JADHAV

VERSUS

THE STATE OF MAHARASHTRA AND ORS

76 FIRST APPEAL NO. 954 OF 2022

NIVRATI MARUTI HOKARNE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

78 FIRST APPEAL NO. 997 OF 2022

VITHALRAO YADAVRAO PATIL

VERSUS

THE STATE OF MAHARASHTRA AND ORS

79 FIRST APPEAL NO. 998 OF 2022

RAMRAO SHESHERAO SURYAWANSHI

VERSUS

THE STATE OF MAHARASHTRA AND ORS

80 FIRST APPEAL NO. 1022 OF 2022

DIGAMBAR HARIBA SURYAWANSHI (DIED) THR LRS SUSHILABAI AND ORS

VERSUS

THE STATE OF MAHARASHTRA AND ORS

81 FIRST APPEAL NO. 1023 OF 2022

GANPATRAO RAMCHANDRA NIRGUDE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

FIRST APPEAL NO. 2543 OF 2021

IMAMSAAB ISMAILSAB (DIED) THR. LRS.

VERSUS

THE STATE OF MAHARASHTRA AND ORS

Mr.U.B. Bilolikar, Advocate for the appellants.

Mr.S.B.Patil, Mr.D.B.Pawar, Mr.V.P.Narwade, Mr. S.W. Munde , Ms.Kalpalata Patil
Bharaswadkar Advocate for respondent -Acquiring Body.

Mr.A.M. Phule,AGP for respondents-State & SLAO in Sr.No.57

Mr.G.O. Wattamwar, AGP for respondents-State & SLAO in Sr.No.59,68,76

Ms.M.N. Ghanekar, AGP for respondents-State & SLAO in,Sr. No.60,69 FA/2543/21

Mr.S.K. Shirse, AGP for respondents-State & SLAO in Sr.No.61,70,78

Mr.V.M.Chate, AGP for respondents-State & SLAO in Sr.No.64,71,79

Ms.M.L. Sangit, AGP for respondents-State & SLAO in Sr.No.65,72,80

Ms.A.S. Mantri, AGP for respondents-State & SLAO in Sr.No.73,81.

CORAM : KISHORE C. SANT, J.

DATE : 31.07.2024

PC :-

01. First Appeal No.2543 of 2021 is not on Board. Taken on Board.

02. These appeals filed by the claimants arise out of the same acquisition proceedings for the purpose of Lendi project. The SLAO passed award on 30.03.2003 and awarded compensation to the claimants-appellant to the extent of their acquired land. The appellants

approached the Reference Court by filing reference under section 18 of the Land Acquisition Act.

03. The learned Reference Court considered the evidence of both the parties and enhanced the compensation ranging between 27.5% to 40%. The details of LAR Numbers, Gat Numbers, measurement of land acquired, date of award by Reference Court, the amount awarded by the SLAO and the amount awarded by Reference Court in tabular form are as under :-

(Amt. in Rupees)

Sr. No.	F.A. No.	LAR No.	Gat No.	Land Acquired	Ref.Court award dt.	Amt.awarded by SLAO.	Amt.awarded by Reference Court
1	1426/2020	256/2007	47/6 25	50 R 1 H 80 R	27.12.2018	257282.00	342185.00
2	2540/2021	49/2005	186/2	60R	29.08.2016	37759.00	49086.00
3	2541/2021	52/2005	186/1	58R	07.09.2016	40621.00	52807.00
4	2542/2021	47/2005	186/3	81R	10.06.2016	51296.00	66684.00
5	803/2021	264/2007	47/6 25	1H 11R 40R	25.03.2019	84599.00	109988.00
6	986/2021	91/2009	181	1H 46R	08.01.2020	95937.00	134312.00
7	2544/2021	51/2005	123 95/1	1H 28R 62 R	07.09.2016	40300.00 93377.00	52390.00 121390.00
8	137/2022	277/2007	148 148	1H 56R 81R	02.05.2017	95384.00 56665.00	123999.00 73664.00
9	138/2022	301/2007	118/1	46R	23.02.2016	30297.00	39386.00
10	403/2022	302/2007	165	2H 89R	24.02.2016	182938.00	237819.00
11	412/2022	298/2007	154	2H 82R	04.01.2017	186872.00	242933.00
12	413/2022	289/2007	79/1/2 22/3	1H 10R 68R	02.01.2017	66000.00 51944.00	85800.00 67527.00
13	416/2022	293/2007	135	1H 98R	24.07.2015	237389.00	308605.00
14	418/2022	253/2007	47/6 25	1H 11R 40R	21.02.2018	84732.00	110152.00
15	435/2022	288/2007	159/2	1H	04.01.2017	73580.00	95654.00

			142	1H 97R		264303.00	343593.00
16	954/2022	268/2007	80/2	57R	21.01.2016	49369.00	64179.00
17	997/2022	281/2007	172	1H 03 R	22.01.2016	65045.00	84558.00
18	998/2022	286/2007	95/2 104/3	62R 60R	09.03.2017	40300.00 38365.00	52390.00 49874.00
19	1022/2022	294/2007	120	1H 02R	27.01.2016	82809.00	107651.00
20	1023/2022	275/2007	113/3	1H 22R	04.08.2015	78665.00	102264.00
21	2543/2021	46/2005	183	37R	08.06.2016	24050.00	31265.00

04. The learned Advocate for the appellants though argued the matters on merits, also placed on record copy of common judgment and award passed in First Appeal No.2036 of 2021 along with two other First Appeals. He submits that these First Appeals are also arising out of the same project and from the same village. This Court in the said First Appeals increased the compensation from 30% to 70% of the rate granted by the learned SLAO by considering the appeals on merits. In these appeals, the appellants therein had also produced additional evidence while deciding the appeals. The learned Advocate for the appellants submits that the respondent acquiesced to the said judgment and award passed by this Court in the First Appeals. No SLP is preferred against said judgment. He thus submits that the said judgment is applicable to the present appeal. The appellants are ready to accept the enhancement of 70% of the rate awarded by the learned SLAO.

05. The appeals are opposed by the learned Advocate appearing

for the acquiring body and also by the learned AGPs. However, they accept the position that the First Appeal No.2036 of 2021 was arising out of the same acquisition proceeding.

06. This Court considered that since the said judgment and award in First Appeal No. 2036 of 2021 is acquiesced by the acquiring body, these appeals can also be disposed off in view of the judgment passed in the said appeal with connected matters on 02.05.2022. Hence, following order :-

ORDER

- (i) The appeals are partly allowed.
- (ii) The amount of compensation granted by the Reference Court is enhanced from 30% to 70%.
- (iii) Rest of the terms of the impugned award to stand unaltered, provided the interest shall be awarded from the date of the award.
- (iv) There is delay in preferring the present appeal. The appellant, therefore, shall not be entitled for component of interest or any other monetary benefit for the period from the date of impugned award for delayed period.

[KISHORE C. SANT, J.]