



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

FIRST APPEAL NO.706 OF 2007

1] Shri. Satish Tukaram Chudhary
Age-40 yrs. Occ-Agri.

2] Bhaskar Tukaram Chaudhary
Age-45 yrs. Occ-Agri.

3] Ashabai w/o. Yuvraj Chaudhary,
Age-42 yrs. Occ-Agri

All R/o. Hingane (B), Tal-Jamner,
Dist-Jalgaon.

.. APPELLANTS

VERSUS

1] The Special Land Acquisition Officer,
Upper Tapi Project Hatnur-1,
Jalgaon.

2] The Executive Engineer,
Waghur Project Division,
Jalgaon.

.. RESPONDENTS

...

Ms.S.A.Kale, Advocate holding for Adv.A.B.Kale, learned
counsel for the appellants.

Mrs.Kavita R. Jamdhade, AGP for the respondent-State
Mr.D.D.Pokharkar, learned counsel for respondent no.2

...

AND

FIRST APPEAL NO.715 OF 2007

Shri. Govinda Ramdas Chaudhari
Age-46 yrs. Occ-Agri
R/o.Hingane (B), Tal-Jamner,
Dist-Jalgaon.

.. APPELLANT

VERSUS

1] The Special Land Acquisition Officer,
Upper Tapi Project Hatnur-1,
Jalgaon.

2] The Executive Engineer,
Waghur Project Division,
Jalgaon.

.. RESPONDENTS

...

Ms.S.A.Kale, Advocate holding for Adv.A.B.Kale, learned
counsel for the appellant.

Mrs.Kavita R. Jamdhade, AGP for the respondent-State
Mr.D.D.Pokharkar, learned counsel for respondent no.2

...

AND**FIRST APPEAL NO.717 OF 2007**

Shri. Baliram Sonji Patil,
Age-52 yrs. Occ-Agri
R/o.Hingane (B), Tal-Jamner,
Dist-Jalgaon.

.. APPELLANT**VERSUS**

1] The Special Land Acquisition Officer,
Upper Tapi Project Hatnur-1,
Jalgaon.

2] The Executive Engineer,
Waghur Project Division,
Jalgaon.

.. RESPONDENTS

...

Ms.S.A.Kale, Advocate holding for Adv.A.B.Kale, learned
counsel for the appellant.

Mrs.Kavita R. Jamdhade, AGP for the respondent-State
Mr.D.D.Pokharkar, learned counsel for respondent no.2

...

AND**FIRST APPEAL NO.713 OF 2007**

Shri. Ashok Narayan Patil
 Age yrs. Occ-Agri
 R/o.Hingane (B), Tal-Jamner,
 Dist-Jalgaon.

.. APPELLANT

VERSUS

1] The Special Land Acquisition Officer,
 Upper Tapi Project Hatnur-1,
 Jalgaon.

2] The Executive Engineer,
 Waghur Project Division,
 Jalgaon.

.. RESPONDENTS

...

Ms.S.A.Kale, Advocate holding for Adv.A.B.Kale, learned
 counsel for the appellant.

Mrs.Kavita R. Jamdhade, AGP for the respondent-State
 Mr.D.D.Pokharkar, learned counsel for respondent no.2

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AND

FIRST APPEAL NO.714 OF 2007

1] Shri. Ashok Narayan Patil
 Age-42 yrs. Occ-Agri.

2] Shri. Vilas Narayan Patil
 Age-43 yrs. Occ-Agri.

3] Sau. Dwarkabai Narayan Patil
 Age-66 yrs. Occ-Agri

All R/o. Hingane (B), Tal-Jamner,
 Dist-Jalgaon.

.. APPELLANTS

VERSUS

1] The Special Land Acquisition Officer,

Upper Tapi Project Hatnur-1,
Jalgaon.

- 2] The Executive Engineer,
Waghur Project Division,
Jalgaon.

.. RESPONDENTS

...

Ms.S.A.Kale, Advocate holding for Adv.A.B.Kale, learned
counsel for the appellants.

Mrs.Kavita R. Jamdhade, AGP for the respondent-State

Mr.D.D.Pokharkar, learned counsel for respondent no.2

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AND

FIRST APPEAL NO.718 OF 2007

Shri. Sunil Anandrao Patil,
Age-48 yrs. Occ-Agri
R/o.Hingane (B), Tal-Jamner,
Dist-Jalgaon.

.. APPELLANT

VERSUS

- 1] The Special Land Acquisition Officer,
Upper Tapi Project Hatnur-1,
Jalgaon.

- 2] The Executive Engineer,
Waghur Project Division,
Jalgaon.

.. RESPONDENTS

...

Ms.S.A.Kale, Advocate holding for Adv.A.B.Kale, learned
counsel for the appellants.

Mrs.Kavita R. Jamdhade, AGP for the respondent-State

Mr.D.D.Pokharkar, learned counsel for respondent no.2

...

AND

FIRST APPEAL NO.716 OF 2007

Shri. Anandrao Sonji Patil,

Age-48 yrs. Occ-Agri
R/o.Hingane (B), Tal-Jamner,
Dist-Jalgaon.

.. APPELLANT

VERSUS

1] The Special Land Acquisition Officer,
Upper Tapi Project Hatnur-1,
Jalgaon.

2] The Executive Engineer,
Waghur Project Division,
Jalgaon.

.. RESPONDENTS

...

Ms.S.A.Kale, Advocate holding for Adv.A.B.Kale, learned
counsel for the appellant.

Mrs.Kavita R. Jamdhade, AGP for the respondent-State
Mr.D.D.Pokharkar, learned counsel for respondent no.2

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AND

FIRST APPEAL NO.815 OF 2007

Smt. Vimlabai Devidas Chaudhary,
Age-52 yrs. Occ-Agri
R/o.Hingane (B), Tal-Jamner,
Dist-Jalgaon.

.. APPELLANT

VERSUS

1] The Special Land Acquisition Officer,
Upper Tapi Project Hatnur-1,
Jalgaon.

2] The Executive Engineer,
Waghur Project Division,
Jalgaon.

.. RESPONDENTS

...

Ms.S.A.Kale, Advocate holding for Adv.A.B.Kale, learned counsel for the appellant.
Mrs.Kavita R. Jamdhade, AGP for the respondent-State
Mr.D.D.Pokharkar, learned counsel for respondent no.2

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CORAM : ARUN R. PEDNEKER, J.

DATE : 28.02.2024

ORAL JUDGMENT :

1] Heard. The learned counsel for the appellants has placed on record copy of the order dated 2nd November, 2023 passed in First Appeal No.1115 of 2021 along with connected matters, whereby this Court relying upon the earlier order dated 20.10.2023 passed in First Appeal No.3331 of 2023, has passed an order granting compensation of Rs.4 lacs per hector to the extent of Bagayat lands. The present First Appeals are also arising out of the same acquisition proceedings and are identical to the lands mentioned in First Appeal No.1115 of 2021 and the same order passed in First Appeal No.1115 of 2021 would be applicable to the present First Appeals also. The respondent has not disputed that the appeals are identical.

2] The learned counsel for the appellants has also placed on record chart of all appeals and the same is taken on record and marked as 'X' for identification purpose.

3] In view of the same, the order dated 02.11.2023 passed in First Appeal No. 1115 of 2021 along with connected matters, is made applicable to the present First Appeals. Thus, I proceed to pass the following order :

ORDER

i] The award of the Reference Court is modified to the extent of Bagayat land and the appellants are granted compensation of Rs.4 lacs per hector to the Bagayat land and as far as trees are concerned, the claimants are entitled to receive compensation to the extent of 80% of the amount of the valuation report.

ii] The claimants will be entitled to statutory benefits and interest on the enhanced amount. Compensation and interest would be worked out accordingly.

iii] Award be modified accordingly. First Appeals are disposed of. All pending Civil Applications, if any, stand disposed of.

iv] The concerned appellants – claimants are directed to pay the deficit court fees, if any, at the time of modification of awards.

[ARUN R. PEDNEKER]
JUDGE

DDC