



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

FIRST APPEAL NO.1046 OF 2024

Ishwar Sukhdeo Patil (Wagh) and ors.

..Appellants

Vs.

The State of Maharashtra and ors.

..Respondents

Ms.Sakshi Kale, Advocate h/f. Mr.A.B.Kale, Advocate for appellants
Ms.S.N.Deshpande, AGP for respondent no.1
Mr.V.V.Tarde, Advocate for respondent no.2

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.
DATE : AUGUST 23, 2024**

ORDER :-

Heard learned counsel for the appellants, learned AGP for respondent no.1 and Mr.V.V.Tarde, learned counsel for respondent no.2.

2. Learned counsel for the appellants submits that this appeal is arising out of the same acquisition proceedings, against which another First Appeal was preferred by the claimants, which has been decided by learned Single Judge of this Court, vide order dated 20.03.2024, as the acquiring body had compromised the matter. She placed on record a copy of the order dated 20.03.2024, passed in Civil Application No.2259 of 2024 in RC No.32 of 2006 in First Appeal (Stamp) No.17454 of 2005.

3. Learned counsel for the acquiring body, i.e. respondent nos.2 and 3, submits that similar order may be passed in this appeal. He submits that the lands involved in the case are Bagayat lands and the appeal may be disposed of in terms of the order dated 20.03.2024.

4. In view of the above, this First Appeal can be disposed of in terms of the order dated 20.03.2024 passed in the above-referred Civil Application. Hence, the following 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, except for the delayed period of 480 days.

iii) Award be modified accordingly. First Appeal is disposed of.

iv) The concerned appellants-Claimants are directed to pay the deficit court fees, if any, at the time of modification of the award.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP