



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 4444 OF 2017

1. Executive Engineer
Parisar Vikas Vibhag
Irrigation Division, Aurangabad,
Now, Executive Engineer
Aurangabad Irrigation Division,
Aurangabad.Appellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Devidas Dattatray Bahudhane
Age- Major, Occu: Agriculture,
R/o. Erandgaon, Tq. Shevgaon
District- Ahmednagar. ...Respondent
(Orig. Claimant)

Mrs. R.D. Reddy, Advocate for appellant No. 1
Mr. R.B. Dhaware, AGP for State
Mr. N.K. Kakade, Advocate for the respondent

AND

FIRST APPEAL NO. 4440 OF 2017

1. Executive Engineer
Parisar Vikas Vibhag
Irrigation Division, Aurangabad,
Now, Executive Engineer
Aurangabad Irrigation Division,
Aurangabad.Appellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Shahurao Bhanudas Bhagwat
Age- Major, Occu: Agriculture,
R/o. Erandgaon, Tq. Shevgaon
District- Ahmednagar. ...Respondent
(Orig. Claimant)

Mrs. R.D. Reddy, Advocate for appellant No. 1

Mr. R.B. Dhaware, AGP for State

Mr. N.K. Kakade, Advocate for the respondent

AND

FIRST APPEAL NO. 4441 OF 2017

1. Executive Engineer
Parisar Vikas Vibhag
Irrigation Division, Aurangabad,
Now, Executive Engineer
Aurangabad Irrigation Division,
Aurangabad.Appellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Tatyasaheb Harishchandra Bhagwat
Age- Major, Occu: Agriculture,
R/o. Erandgaon, Tq. Shevgaon
District- Ahmednagar.
2. Sarjerao Ashru Dhakane
Age- Major, Occu- Agriculture,
R/o. As above.
3. Vishnu Bhaurao Bhagwat
Age- Major, Occu- Agriculture
R/o. As above. ...Respondent No. 1 to 3
(Orig. Claimants)

Mrs. R.D. Reddy, Advocate for appellant No. 1

Mr. R.B. Dhaware, AGP for State
Mr. N.K. Kakade, Advocate for the respondents

AND

FIRST APPEAL NO. 4442 OF 2017

1. Executive Engineer
Parisar Vikas Vibhag
Irrigation Division, Aurangabad,
Now, Executive Engineer
Aurangabad Irrigation Division,
Aurangabad.Appellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Dnyandev Deoram Bhagwat
Age- Major, Occu: Agriculture,
R/o. Erandgaon, Tq. Shevgaon
District- Ahmednagar. ...Respondent
(Orig. Claimant)

Mrs. R.D. Reddy, Advocate for appellant No. 1

Mr. R.B. Dhaware, AGP for State

Mr. N.K. Kakade, Advocate for the respondent

AND

FIRST APPEAL NO. 4443 OF 2017

WITH

CIVIL APPLICATION NO. 1736 OF 2020

IN

FIRST APPEAL NO. 4443 OF 2017

1. Executive Engineer
Parisar Vikas Vibhag
Irrigation Division, Aurangabad,
Now, Executive Engineer
Aurangabad Irrigation Division,
Aurangabad.Appellant No. 1
(Orig. resp. No. 2)

2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Kalyan Ramnath Thorat
Age- Major, Occu: Agriculture,
R/o. Erandgaon, Tq. Shevgaon
District- Ahmednagar. ...Respondent
(Orig. Claimant)

Mrs. R.D. Reddy, Advocate for appellant No. 1

Mr. R.B. Dhaware, AGP for State

Mr. N.K. Kakade, Advocate for the respondent

AND

FIRST APPEAL NO. 4445 OF 2017

1. Executive Engineer
Parisar Vikas Vibhag
Irrigation Division, Aurangabad,
Now, Executive Engineer
Aurangabad Irrigation Division,
Aurangabad.Appellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Ramchandra Deorao Bhagwant
Age- Major, Occu: Agriculture,
R/o. Erandgaon, Tq. Shevgaon
District- Ahmednagar. ...Respondent
(Orig. Claimant)

Mrs. R.D. Reddy, Advocate for appellant No. 1

Mr. R.B. Dhaware, AGP for State

Mr. N.K. Kakade, Advocate for the respondent

AND

FIRST APPEAL NO. 4446 OF 2017

1. Executive Engineer
Parisar Vikas Vibhag
Irrigation Division, Aurangabad,
Now, Executive Engineer
Aurangabad Irrigation Division,
Aurangabad.Appellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Bhaskar Bhanudas Bhagwat
Age- Major, Occu: Agriculture,
R/o. Erandgaon, Tq. Shevgaon
District- Ahmednagar. ...Respondent
(Orig. Claimant)

Mrs. R.D. Reddy, Advocate for appellant No. 1
Mr. R.B. Dhaware, AGP for State
Mr. N.K. Kakade, Advocate for the respondent

AND

FIRST APPEAL NO. 4447 OF 2017

1. Executive Engineer
Parisar Vikas Vibhag
Irrigation Division, Aurangabad,
Now, Executive Engineer
Aurangabad Irrigation Division,
Aurangabad.Appellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Devidas Dattatray Bahudhane
Age- Major, Occu: Agriculture,

R/o. Erandgaon, Tq. Shevgaon
District- Ahmednagar.

2. Arun Kisanrao Bahudhane
Age- Major, Occu- Agriculture
R/o. As above. ...Respondent no. 1 and 2
(Orig. Claimants)

Mrs. R.D. Reddy, Advocate for appellant No. 1
Mr. R.B. Dhaware, AGP for State
Mr. N.K. Kakade, Advocate for the respondent

AND

FIRST APPEAL NO. 4448 OF 2017

1. Executive Engineer
Parisar Vikas Vibhag
Irrigation Division, Aurangabad,
Now, Executive Engineer
Aurangabad Irrigation Division,
Aurangabad.Appellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Dashrath Deorao Bhagwat
Age- Major, Occu: Agriculture,
R/o. Erandgaon, Tq. Shevgaon
District- Ahmednagar. ...Respondent
(Orig. Claimant)

Mrs. R.D. Reddy, Advocate for appellant No. 1
Mr. R.B. Dhaware, AGP for State
Mr. N.K. Kakade, Advocate for the respondent

AND

FIRST APPEAL NO. 4449 OF 2017

1. Executive Engineer
Parisar Vikas Vibhag
Irrigation Division, Aurangabad,

Now, Executive Engineer
Aurangabad Irrigation Division,
Aurangabad.

....Appellant No. 1
(Orig. resp. No. 2)

2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Bhaurao Vithoba Bhagwat
Age- Major, Occu: Agriculture,
R/o. Erandgaon, Tq. Shevgaon
District- Ahmednagar. ...Respondent
(Orig. Claimant)

Mrs. R.D. Reddy, Advocate for appellant No. 1

Mr. R.B. Dhaware, AGP for State

Mr. N.K. Kakade, Advocate for the respondent

AND

FIRST APPEAL NO. 4450 OF 2017

1. Executive Engineer
Parisar Vikas Vibhag
Irrigation Division, Aurangabad,
Now, Executive Engineer
Aurangabad Irrigation Division,
Aurangabad.Appellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

Bapurao Ganpat Bhagwat
(died) through legal heirs

1. Tarabai Bapurao Bhagwat
Age- 62 years, Occu: Agriculture,
R/o. Erandgaon, Tq. Shevgaon

District- Ahmednagar.

2. Prakash s/o Bapurao Bhagwat
Age: 41 years, Occ- Agriculture,
R/o. Erandgaon, Taluka Shevgaon,
District- Ahmednagar.

3. Sandip s/o Bapurao Bhagwat
Age- 32 years, Occu- Agriculture,
R/o. Erandgaon, Tq. Shevgaon,
Dist. Ahmednagar.

...Respondents
(Orig. Claimants)

Mrs. R.D. Reddy, Advocate for appellant No. 1
Mr. R.B. Dhaware, AGP for State
Mr. N.K. Kakade, Advocate for the respondents

AND

FIRST APPEAL NO. 4465 OF 2017

1. Executive Engineer
Parisar Vikas Vibhag
Irrigation Division, Aurangabad,
Now, Executive Engineer
Aurangabad Irrigation Division,
Aurangabad.

....Appellant No. 1
(Orig. resp. No. 2)

2. The State of Maharashtra
Through Collector, Ahmednagar.

...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

Trimbak s/o Nana Bhagwat
(died) through legal heirs

1. Ram s/o Trimbak Bhagwat
Age- 60 years, Occu: Agriculture,
2. Shivaji s/o Trimbak Bhagwat
Age: 55 years, Occ- Agriculture,
Both R/o. Erandgaon, Taluka Shevgaon,
District- Ahmednagar.

...Respondents

(Orig. Claimants)

Mrs. R.D. Reddy, Advocate for appellant No. 1
Mr. R.B. Dhaware, AGP for State
Mr. N.K. Kakade, Advocate for the respondents

AND**FIRST APPEAL NO. 4466 OF 2017**

1. Executive Engineer
Parisar Vikas Vibhag
Irrigation Division, Aurangabad,
Now, Executive Engineer
Aurangabad Irrigation Division,
Aurangabad.Appellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

Arun Eknath Bhagwat
(deceased) through legal heirs

1. Gautam s/o Arun Bhagwat
Age: 34 years, Occu- Agriculture
2. Mangal s/o Arun Bhagwat
Age- 57 years, Occu- Agriculture
3. Sheetal Yogesh Bachhav
Age: 36 years, Occu- Agriculture
All R/o. Erandgaon, Taluka Shevgaon,
District- Ahmednagar. ...Respondents
(Orig. Claimants)

Mrs. R.D. Reddy, Advocate for appellant No. 1
Mr. R.B. Dhaware, AGP for State
Mr. N.K. Kakade, Advocate for the respondents

AND**FIRST APPEAL NO. 4477 OF 2017**

1. Executive Engineer
Parisar Vikas Vibhag
Irrigation Division, Aurangabad,
Now, Executive Engineer
Aurangabad Irrigation Division,
Aurangabad.Appellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

Gangadhar Dada Bhagwat
(deceased) through legal heirs

1. Madhukar Gangadhar Bhagwat
Age: 54 years, Occu- Agriculture
2. Shantabai Sawleram Auti
Age- 62 years, Occu- Agriculture
3. Kaushalya Ankushrao Shisode
Age: 60 years, Occu- Agriculture
4. Bhagirath Ankushrao Garad
Age: 47 years, Occu- Agriculture
5. Latabai Laxman Aware
Age- 57 years, Occu- Agriculture
6. Sulabha Prakash Sage
Age- 44 years, Occu- Agriculture
7. Sarala Sheshrao Auti
Age- 37 years, Occu- Agriculture
All R/o. Erandgaon, Taluka Shevgaon,
District- Ahmednagar. ...Respondents
(Orig. Claimants)

Mrs. R.D. Reddy, Advocate for appellant No. 1
Mr. R.B. Dhaware, AGP for State

Mr. N.K. Kakade, Advocate for the respondents

AND

FIRST APPEAL STAMP NO. 33310 OF 2016

1. The Executive Engineer
Parisar Vikas Vibhag
Sinchan Vibhag, AurangabadAppellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

Raosaheb Gahininath Bhagwat
Died Through L.Rs.

1. Karbhari S/o Raosaheb Bhagwat
Age: Major, Occu- Agriculture
2. Rajendra S/o Raosaheb Bhagwat
Age- Major years, Occu- Agriculture
3. Mandabai D/o Raosaheb Bhagwat/
Mandabai W/o Raybhan Mhasrup
Age: Major, Occu- Agriculture
4. Rambhabai W/o Raosaheb Bhagwat
Age: Major years, Occu- Agriculture
All R/o. Erandgaon, Taluka Shevgaon,
District- Ahmednagar. ...Respondents
(Orig. Claimants)

Mr. B.R. Surwase, Advocate for appellant No. 1

Mr. R.B. Dhaware, AGP for State

Mr. N.K. Kakade, Advocate for the respondents

AND

FIRST APPEAL STAMP NO. 33719 OF 2016

1. The Executive Engineer
Parisar Vikas Vibhag
Sinchan Vibhag, AurangabadAppellant No. 1

Bhagyawant Punde

(Orig. resp. No. 2)

2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Bhavana W/o Ajit Kale
Age: Major years, Occu- Agriculture
All R/o. Erandgaon, Taluka Shevgaon,
District- Ahmednagar. ...Respondents
(Orig. Claimants)

Mr. B.R. Surwase, Advocate for appellant No. 1
Mr. R.B. Dhaware, AGP for State

AND

FIRST APPEAL STAMP NO. 33780 OF 2016

1. The Executive Engineer
Parisar Vikas Vibhag
Sinchan Vibhag, AurangabadAppellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Madhukar S/o Dattatraya Gadekar,
Age: Major, Occu- Agriculture
2. Mahesh S/o Madhukar Gadekar
Age- Major years, Occu- Agriculture
3. Vaibhav S/o Mahesh Gadekar
Age: Major, Occu- Agriculture
4. Subhas S/o Mahesh Gadekar
Age: Minor, U/g. Of Madhukar
All R/o. Erandgaon, Tq. Shevgaon,
Dist. Ahmednagar. ...Respondents

(Orig. Claimants)

Mr. B.R. Surwase, Advocate for appellant No. 1

Mr. R.B. Dhaware, AGP for State

Mr. N.K. Kakade, Advocate for the respondents

AND**FIRST APPEAL STAMP NO. 33760 OF 2016**

1. The Executive Engineer
Parisar Vikas Vibhag
Sinchan Vibhag, AurangabadAppellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Ashok W/o Gangadhar Dhas,
Age: Major, Occu- Agriculture
2. Gorakh S/o Gangadhar Dhas
Age- Major years, Occu- Agriculture
Both R/o. Erandgaon, Tq. Shevgaon,
Dist. Ahmednagar. ...Respondents
(Orig. Claimants)

Mr. B.R. Surwase, Advocate for appellant No. 1

Mr. R.B. Dhaware, AGP for State

.....

AND**FIRST APPEAL STAMP NO. 33785 OF 2016**

1. The Executive Engineer
Parisar Vikas Vibhag
Sinchan Vibhag, AurangabadAppellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

Annasaheb S/o Bhaguji Khatade
Age: Major, Occu- Agril,
All R/o. Erandgaon, Tq. Shevgaon,
Dist. Ahmednagar.

...Respondent
(Orig. Claimant)

Mr. B.R. Surwase, Advocate for appellant No. 1
Mr. R.B. Dhaware, AGP for State
Mr. N.K. Kakade, Advocate for the respondents

AND

FIRST APPEAL STAMP NO. 33749 OF 2016

1. The Executive Engineer
Parisar Vikas Vibhag
Sinchan Vibhag, AurangabadAppellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

Shivaji S/o Pandurang Thorat
Age: Major, Occu- Agril,
All R/o. Erandgaon, Tq. Shevgaon,
Dist. Ahmednagar.

...Respondent
(Orig. Claimant)

Mr. B.R. Surwase, Advocate for appellant No. 1
Mr. R.B. Dhaware, AGP for State

AND

FIRST APPEAL STAMP NO. 33756 OF 2016

1. The Executive Engineer
Parisar Vikas Vibhag
Sinchan Vibhag, AurangabadAppellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

Bhagyawant Punde

1. Sunil s/o Madhav Deulgaonkar
Age: Major, Occu- Agril,
2. Anil S/o Madhav Deulgaonkar
Age: Major, Occu- Agri,
3. Amol S/o Madhav Deulgaonkar
Age- Major, Occu- Agril,
All R/o. Erandgaon, Tq. Shevgaon,
Dist. Ahmednagar.

...Respondents
(Orig. Claimants)

Mr. B.R. Surwase, Advocate for appellant No. 1

Mr. R.B. Dhaware, AGP for State

Mr. N.K. Kakade, Advocate for the respondents

AND

FIRST APPEAL STAMP NO. 33790 OF 2016

1. The Executive Engineer
Parisar Vikas Vibhag
Sinchan Vibhag, AurangabadAppellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Sitabai W/o Ramrao Bhagwat
Age: Major, Occu- Agril,
2. Gangubai W/o Ramrao Bhagwat
Age: Major, Occu- Agri,
Both R/o. Erandgaon, Tq. Shevgaon,
Dist. Ahmednagar. ...Respondents
(Orig. Claimants)

Mr. B.R. Surwase, Advocate for appellant No. 1

Mr. R.B. Dhaware, AGP for State

AND

FIRST APPEAL STAMP NO. 33732 OF 2016

1. The Executive Engineer

Bhagyawant Punde

Parisar Vikas Vibhag
Sinchan Vibhag, AurangabadAppellant No. 1
(Orig. resp. No. 2)

2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Sheshrao S/o Kisan Dhas
Age: Major, Occu- Agril,
R/o. Erandgaon, Tq. Shevgaon,
Dist. Ahmednagar. ...Respondent
(Orig. Claimants)

Mr. B.R. Surwase, Advocate for appellant No. 1
Mr. R.B. Dhaware, AGP for State
Mr. N.K. Kakade, Advocate for the respondent

AND

FIRST APPEAL STAMP NO. 33740 OF 2016

1. The Executive Engineer
Parisar Vikas Vibhag
Sinchan Vibhag, AurangabadAppellant No. 1
(Orig. resp. No. 2)

2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Baban S/o Shankar Deulgaonkar
Age: Major, Occu- Agril,
R/o. Erandgaon, Tq. Shevgaon,
Dist. Ahmednagar. ...Respondent
(Orig. Claimants)

Mr. B.R. Surwase, Advocate for appellant No. 1
Mr. R.B. Dhaware, AGP for State

AND

FIRST APPEAL STAMP NO. 33744 OF 2016

1. The Executive Engineer
Parisar Vikas Vibhag
Sinchan Vibhag, AurangabadAppellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Sopan S/o Deorao Bhagwat
Age: Major, Occu- Agril,
R/o. Erandgaon, Tq. Shevgaon,
Dist. Ahmednagar. ...Respondent
(Orig. Claimants)

Mr. B.R. Surwase, Advocate for appellant No. 1

Mr. R.B. Dhaware, AGP for State

Mr. N.K. Kakade, Advocate for the respondent

AND

FIRST APPEAL STAMP NO. 33694 OF 2016

1. The Executive Engineer
Parisar Vikas Vibhag
Sinchan Vibhag, AurangabadAppellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Dagdu S/o Shamrao Khatade
Age: Major, Occu- Agril,
R/o. Erandgaon, Tq. Shevgaon,
Dist. Ahmednagar. ...Respondent
(Orig. Claimants)

Mr. B.R. Surwase, Advocate for appellant No. 1

Mr. R.B. Dhaware, AGP for State

AND

FIRST APPEAL STAMP NO. 33766 OF 2016

1. The Executive Engineer
Parisar Vikas Vibhag
Sinchan Vibhag, AurangabadAppellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Arunbai W/o Ganpat Deulgaonkar
Age: Major, Occu- Agril,
2. Ganpat S/o Vishnu Deulgaonkar
Age: Major, Occ- Agril,
3. Vithal S/o Vishnu Deulgaonkar
Age- Major, Occu- Agril,
4. Sandip S/o Vishnu Deulgaonkar
Age- Major, Occu- Agril,
All R/o. Erandgaon, Tq. Shevgaon,
Dist. Ahmednagar. ...Respondents
(Orig. Claimants)

Mr. B.R. Surwase, Advocate for appellant No. 1

Mr. R.B. Dhaware, AGP for State

Mr. N.K. Kakade, Advocate for the respondents

AND

FIRST APPEAL STAMP NO. 33691 OF 2016

1. The Executive Engineer
Parisar Vikas Vibhag
Sinchan Vibhag, AurangabadAppellant No. 1
(Orig. resp. No. 2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Appellant No. 2
(Orig. resp. No. 1)

VERSUS

1. Somnath S/o Sitaram Gujar

Age- Major, Occu- Agril,
R/o. Erandgaon, Tq. Shevgaon,
Dist. Ahmednagar.

...Respondent
(Orig. Claimant)

Mr. B.R. Surwase, Advocate for appellant No. 1
Mr. R.B. Dhaware, AGP for State

AND

FIRST APPEAL NO.2775 OF 2017

1. Executive Engineer,
Environmental Development Division,
Irrigation Division, Aurangabad
Now Aurangabad Irrigation Division, Aurangabad
under Godawari Marathwada Irrigation
Development Corporation Aurangabad
...Appellant
(Ori.Res.No.2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Co-appellants
(Ori.Resp.No.1)

VERSUS

1. Ramesh s/o Devrao Gajbhiv
Age: 55 yrs, Occu: Agril.
2. Prakash s/o Devrao Gajbhiv,
Age: 53 yrs, Occu: Agril.,
Both R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar. ...Respondents
(Orig. Claimants)

Mr. B.R. Surwase, Advocate for the appellant
Mr. R.B. Dhaware, AGP for State
Ms. Akshara Madake h/f Mr. Abhijit Kale, Advocate for
respondents

...
AND

FIRST APPEAL NO.2776 OF 2017

1. Executive Engineer,
Environmental Development Division,
Irrigation Division, Aurangabad
Now Aurangabad Irrigation Division, Aurangabad

Bhagyawant Punde

under Godawari Marathwada Irrigation
Development Corporation Aurangabad

...Appellant
(Ori.Res.No.2)

2. The State of Maharashtra
Through Collector, Ahmednagar.

...Co-appellants
(Ori.Resp.No.1)

VERSUS

Arun S/o Janardhan Dhas
Age 48 years, Occu: Agri.,
R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

...Respondent
(Orig. Claimant)

Mr. B.R. Surwase, Advocate for the appellant
Mr. R.B. Dhaware, AGP for State
Mr. N.K. Kakade, Advocate for respondents

...

AND

FIRST APPEAL NO.2777 OF 2017

1. Executive Engineer,
Environmental Development Division,
Irrigation Division, Aurangabad
Now Aurangabad Irrigation Division, Aurangabad
under Godawari Marathwada Irrigation
Development Corporation Aurangabad

...Appellant
(Ori.Res.No.2)

2. The State of Maharashtra
Through Collector, Ahmednagar.

...Co-appellants
(Ori.Resp.No.1)

VERSUS

Bhanudas Dhondiram Bhagwat
(Died) through L.Rs.

1. Hausabai Bhanudas Bhagwat
Age: 74 yrs, Occu: Agril.
R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

2. Radhabai Bhanudas Bhagwat

Age: 65 years, Occu: Agri.,
R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

3. Krushna s/o Bhanudas Bhagwat
Age: 36 yrs, Occu: Agri.,
R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

4. Dnyaneshwar Bhanudas Bhagwat
Age: 29 yrs, Occu: Agri.,
R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

5. Mangal Annasaheb Kale
Age: 45 years, Occu: Agri.,
R/o Khunteful, Tq. Shevgaon,
District : Ahmednagar.

6. Sunita Santosh Kakde
Age: 39 yrs, Occu: Agri.,

7. Manisha Subhash Kharad
Age: 33 yrs, Occu: Agril.,
R/o Deo Takali, Tal. Shevgaon,
District : Ahmednagar.

...Respondents
(Orig. Claimant)

Mr. B.R. Surwase, Advocate for the appellant

Mr. R.B. Dhaware, AGP for State

Mr. N.K. Kakade, Advocate for respondents

...
AND

FIRST APPEAL NO.2778 OF 2017

1. Executive Engineer, Lower Dudhana Selu
Environmental Development Division,
Irrigation Division, Aurangabad
Now Aurangabad Irrigation Division, Aurangabad
under Godawari Marathwada Irrigation
Development Corporation Aurangabad

...Appellant
(Ori.Res.No.2)

2. The State of Maharashtra

Through Collector, Ahmednagar.

...Co-appellants
(Ori.Resp.No.1)

VERSUS

Gangubai Raosaheb Labde
Age: 58 yrs, Occu: Agril.,
R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

...Respondent
(Orig. Claimant)

Mr. B.R. Surwase, Advocate for the appellant
Mr. R.B. Dhaware, AGP for State
Ms. Akshara Madake h/f Mr. Abhijit Kale, Advocate for the
respondent

...

AND

FIRST APPEAL NO.2779 OF 2017

1. Executive Engineer, Lower Dudhana Selu,
Environmental Development Division,
Irrigation Division, Aurangabad
Now Aurangabad Irrigation Division, Aurangabad
under Godawari Marathwada Irrigation
Development Corporation Aurangabad ...Appellant
(Ori.Res.No.2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Co-appellants
(Ori.Resp.No.1)

VERSUS

1. Bhaguji Sonaji Gajbhiv
(Died Through L.Rs.)
- 1-A. Mohan s/o Bhaguji Gajbhiv
Age: 53 Yrs, Occu: Agril
R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar.
- 1-B. Ratan s/o Bhaguji Gajbhiv
Age: 53 Yrs, Occu: Agril
R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar. ...Respondents
(Orig. Claimant)

Mr. B.R. Surwase, Advocate for the appellant
 Mr. R.B. Dhaware, AGP for State
 Mr. N.K. Kakade, Advocate for respondents

...

AND

FIRST APPEAL NO.2780 OF 2017

1. Executive Engineer,
 Environmental Development Division,
 Irrigation Division, Aurangabad
 Now Aurangabad Irrigation Division, Aurangabad
 under Godawari Marathwada Irrigation
 Development Corporation Aurangabad ...Appellant
 (Ori.Res.No.2)
2. The State of Maharashtra
 Through Collector, Ahmednagar. ...Co-appellants
 (Ori.Resp.No.1)

VERSUS

Manoj s/o Madhavrao Narode
 Age: 46 yrs, Occu: Agril.,
 R/o Erandgaon, Tal. Shevgaon,
 District : Ahmednagar. ...Respondent
 (Orig. Claimant)

Mr. B.R. Surwase, Advocate for the appellant
 Mr. R.B. Dhaware, AGP for State
 Ms. Akshara Madake h/f Mr. Abhijit Kale, Advocate for the
 respondent

AND

FIRST APPEAL NO.2781 OF 2017

1. Executive Engineer,
 Environmental Development Division,
 Irrigation Division, Aurangabad
 Now Aurangabad Irrigation Division, Aurangabad
 under Godawari Marathwada Irrigation
 Development Corporation Aurangabad ...Appellant
 (Ori.Res.No.2)
2. The State of Maharashtra
 Through Collector, Ahmednagar. ...Co-appellants
 (Ori.Resp.No.1)

VERSUS

1. Arun S/o Dashrath Bhagwat
Age: 50 yrs, Occu: Agril.,
2. Sudhakar s/o Dashrath Bhagwat
Age: 50 yrs, Occu: Agril.,
Both R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

...Respondents
(Orig. Claimants)

Mr. B.R. Surwase, Advocate for the appellant
Mr. R.B. Dhaware, AGP for State
Mr. N.K. Kakade, Advocate for respondents

...
AND

FIRST APPEAL NO.2782 OF 2017

1. Executive Engineer,
Environmental Development Division,
Irrigation Division, Aurangabad
Now Aurangabad Irrigation Division, Aurangabad
under Godawari Marathwada Irrigation
Development Corporation Aurangabad

...Appellant
(Ori.Res.No.2)

2. The State of Maharashtra
Through Collector, Ahmednagar.

...Co-appellants
(Ori.Resp.No.1)

VERSUS

Madhavrao S/o Narayan Narode
Age: 55 yrs, Occu: Agril.,
R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

...Respondent
(Orig. Claimant)

Mr. B.R. Surwase, Advocate for the appellant
Mr. R.B. Dhaware, AGP for State
Ms. Akshara Madake h/f Mr. Abhijit Kale, Advocate for the
respondent

...
AND

FIRST APPEAL NO.2783 OF 2017

1. Executive Engineer,

Environmental Development Division,
 Irrigation Division, Aurangabad
 Now Aurangabad Irrigation Division, Aurangabad
 under Godawari Marathwada Irrigation
 Development Corporation Aurangabad ...Appellant
 (Ori.Res.No.2)

2. The State of Maharashtra
 Through Collector, Ahmednagar. ...Co-appellants
 (Ori.Resp.No.1)

VERSUS

Sheshrao S/o Dhondiba Dhas
 Age: 60 yrs, Occu: Agril.,
 R/o Erandgaon, Tal. Shevgaon,
 District : Ahmednagar. ...Respondent
 (Orig. Claimant)

Mr. B.R. Surwase, Advocate for the appellant
 Mr. R.B. Dhaware, AGP for State
 Ms. Akshara Madake h/f. Mr. Abhijit Kale, Advocate for the
 respondent

...
AND

FIRST APPEAL NO.2784 OF 2017

1. Executive Engineer,
 Environmental Development Division,
 Irrigation Division, Aurangabad
 Now Aurangabad Irrigation Division, Aurangabad
 under Godawari Marathwada Irrigation
 Development Corporation Aurangabad ...Appellant
 (Ori.Res.No.2)

2. The State of Maharashtra
 Through Collector, Ahmednagar. ...Co-appellants
 (Ori.Resp.No.1)

VERSUS

1. Babasaheb S/o Dinkar Dhas
 Age: 50 yrs, Occu: Agril.,
2. Arvind S/o Dinkar Dhas
 Age: 46 yrs, Occu: Agril.,

Both R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

...Respondents
(Orig. Claimants)

Mr. B.R. Surwase, Advocate for the appellant
Mr. R.B. Dhaware, AGP for State
Mr. N.K. Kakade, Advocate for respondents

...

AND

FIRST APPEAL NO.2785 OF 2017

1. Executive Engineer,
Environmental Development Division,
Irrigation Division, Aurangabad
Now Aurangabad Irrigation Division, Aurangabad
under Godawari Marathwada Irrigation
Development Corporation Aurangabad
...Appellant
(Ori.Res.No.2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Co-appellants
(Ori.Resp.No.1)

VERSUS

Dattatraya Janardhan Dhas
Age: 57 yrs, Occu: Agril.,
Both R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

...Respondent
(Orig. Claimant)

Mr. B.R. Surwase, Advocate for the appellant
Mr. R.B. Dhaware, AGP for State
Mr. N.K. Kakade, Advocate for respondents

...

AND

FIRST APPEAL NO.2786 OF 2017

1. Executive Engineer,
Environmental Development Division,
Irrigation Division, Aurangabad
Now Aurangabad Irrigation Division, Aurangabad
under Godawari Marathwada Irrigation
Development Corporation Aurangabad
...Appellant
(Ori.Res.No.2)

2. The State of Maharashtra
Through Collector, Ahmednagar. ...Co-appellants
(Ori.Resp.No.1)

Versus

1. Lila Laxman Dhas
Age: 62 yrs, Occu: Agril.
2. Shila Balasaheb Mhaske
Age: 56 yrs, Occu: Agril.,
3. Meena Babanrao Dhole
Age: 50 years, Occu: Agri.,

All R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

...Respondents
(Orig. Claimants)

Mr. B.R. Surwase, Advocate for the appellant
Mr. R.B. Dhaware, AGP for State
Mr. N.K. Kakade, Advocate for respondents

...
AND

FIRST APPEAL NO.2787 OF 2017

1. Executive Engineer,
Environmental Development Division,
Irrigation Division, Aurangabad
Now Aurangabad Irrigation Division, Aurangabad
under Godawari Marathwada Irrigation
Development Corporation Aurangabad ...Appellant
(Ori.Res.No.2)

2. The State of Maharashtra
Through Collector, Ahmednagar. ...Co-appellants
(Ori.Resp.No.1)

VERSUS

Pramila John Salve
Age: 53 years, Occu: Agril.,
R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

...Respondent
(Orig. Claimant)

Mr. B.R. Surwase, Advocate for the appellant
Mr. R.B. Dhaware, AGP for State

...

AND**FIRST APPEAL NO.2788 OF 2017**

1. Executive Engineer, Lower Dudhana Selu
Environmental Development Division,
Irrigation Division, Aurangabad
Now Aurangabad Irrigation Division, Aurangabad
under Godawari Marathwada Irrigation
Development Corporation Aurangabad ...Appellant
(Ori.Res.No.2)
2. The State of Maharashtra
Through Collector, Ahmednagar. ...Co-appellants
(Ori.Resp.No.1)

VERSUS

1. Dinkar s/o Rangnath Kakde
Age: 62 years, Occu: Agril.
2. Vishnu s/o Rangnath Kakde
Age: 58 years, Occu: Agril.
Both R/o Erandgaon, Tal. Shevgaon,
District : Ahmednagar. ...Respondent
(Orig. Claimant)

Mr. B.R. Surwase, Advocate for the appellant
Mr. R.B. Dhaware, AGP for State
Ms. Akshara Madake h/f Mr. Abhijit Kale, Advocate for the
respondents

...

AND**FIRST APPEAL NO.1914 OF 2018****WITH****CIVIL APPLICATION NO.12020 OF 2016
IN FA/1914/2018**

1. Executive Engineer,
Lower (Nimn) Dudhana Project,
Selu Division, Tq. Selu, Dist. Parbhani,
Through Aurangabad Irrigation Division,
Aurangabad
2. The State of Maharashtra ...Appellants

(Ori.Resp.No.1 to 2)

VERSUS

1. Brijlal Ramnarayan Baheti
Age: Major, Occu: Agri.,
2. Subhash Ramnarayan Baheti
Age: Major, Occu: Agri.,
3. Shyamsundar Ramnarayan Baheti
Age: Major, Occu: Agri.,
4. Omprakash Ramnarayan Baheti
Age: Major, Occu: Agri.,
5. Vijaykumar Ramnarayan Baheti
Age: Major, Occu: Agri.,
6. Narmadabai Ramnarayan Baheti (Died)
Through her LR's Applicant No.1 to 5

All R/o: Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

...Respondent No.1 to 6
(Orig. Claimants)

Mr. Ruturaj Patil, Advocate for appellant

Mr. R.B. Dhaware, AGP for State

Ms. Akshara Madake h/f. Mr. Abhijit Kale, Advocate for respondents

...

AND

FIRST APPEAL NO.3726 OF 2017

WITH

CIVIL APPLICATION NO.12022 OF 2016

IN FA/3726/2017

1. Executive Engineer,
Lower (Nimn) Dudhana Project,
Selu Division, Tq. Selu, Dist. Parbhani,
Through Aurangabad Irrigation Division,
Aurangabad
2. The State of Maharashtra

...Appellants
(Ori.Resp.No.1 to 2)

VERSUS

1. Vijaya Vijaykumar Baheti,
Age: Major, Occu: Agri.,
Both R/o.: Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

...Respondent No.1
(Orig. Claimants)

Mr. Ruturaj Patil, Advocate for appellant

Mr. R.B. Dhaware, AGP for State

Ms. Akshara Madake h/f. Mr. Abhijit Kale, Advocate for respondents

...

AND

FIRST APPEAL NO.3727 OF 2017

WITH

CIVIL APPLICATION NO.12040 OF 2016

IN FA/3727/2017

1. Executive Engineer,
Lower (Nimn) Dudhana Project,
Selu Division, Tq. Selu, Dist. Parbhani,
Through Aurangabad Irrigation Division,
Aurangabad

2. The State of Maharashtra

...Appellants
(Ori.Resp.No.1 to 2)

VERSUS

1. Appasaheb Gokul Bhawar
Age: Major, Occu: Agri.,
Both R/o.: Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

...Respondent No.1
(Orig. Claimant)

Mr. Ruturaj Patil, Advocate for appellant

Mr. R.B. Dhaware, AGP for State

Ms. Akshara Madake h/f. Mr. Abhijit Kale, Advocate for respondents

...

AND

FIRST APPEAL NO.3728 OF 2017

WITH

CIVIL APPLICATION NO.12044 OF 2016

IN FA/3728/2017

1. Executive Engineer,
Area Development Division,
Irrigation Department, Aurangabad,
Through Aurangabad Irrigation Division,
Aurangabad.

2. The State of Maharashtra

...Appellants
(Ori.Resp.No.1 to 2)

Versus

1. Janardhan Namdeo Bhagwat
Age: Major, Occu: Agri.,
Both R/o.: Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

...Respondent No.1
(Orig. Claimant)

Mr. Ruturaj Patil, Advocate for appellant

Mr. R.B. Dhaware, AGP for State

Mr. N.K. Kakade, Advocate for the respondent

...

AND

FIRST APPEAL NO.3729 OF 2017

WITH

CIVIL APPLICATION NO.12024 OF 2016

IN FA/3729/2017

1. Executive Engineer,
Area Development Division,
Irrigation Department, Aurangabad,
Through Aurangabad Irrigation Division,
Aurangabad.

2. The State of Maharashtra

...Appellants
(Ori.Resp.No.1 to 2)

Versus

1. Sarjerao Keshav Khatade
Age: Major, Occu: Agri.,
2. Apurvabai Keshav Khatade
Age: Major, Occu: Agri.,
3. Suman Raosaheb Bhakare

Age: Major, Occu: Agri.,

4. Leela Machindra Shembade
Age: Major, Occu: Agri.,

- 5 Lata Baban Mhaske
Age: Major, Occu: Agri.,

Both R/o.: Erandgaon, Tal. Shevgaon,
District : Ahmednagar. ...Respondent Nos.1 to 5
(Orig. Claimants)

Mr. Ruturaj Patil, Advocate for appellant

Mr. R.B. Dhaware, AGP for State

Mr. N.K. Kakade, Advocate for respondents

...

AND

FIRST APPEAL NO.3730 OF 2017

WITH

CIVIL APPLICATION NO.12032 OF 2016

IN FA/3730/2017

1. Executive Engineer,
Lower (Nimn) Dudhana Project,
Selu Division, Tq. Selu, Dist. Parbhani,
Through Aurangabad Irrigation Division,
Aurangabad

2. The State of Maharashtra

...Appellants
(Ori.Resp.No.1 to 2)

VERSUS

Madhavrao Narayan Narode (died)
Through his LR's

1. Shakuntala Madhavrao Narode
Age: Major, Occu: Agri.,
2. Majoj Madhavrao Narode
Age: Major, Occu: Agri.,
3. Yuvraj Madhavrao Narode
Age: Major, Occu: Agri.,
1 to 3 Sasure, Tq. Pathardi,

Bhagyawant Punde

Dist. Ahmednagar.

4. Deepali Rajendra Fatke
Age: Major, Occu: Agri.,
R/o. Shanoorwadi, Aurangabad.
Dist. Aurangabad.
- 5 Chaitali Uday Kharde
Age: Major, Occu: Agri.,
R/o. Rahata, Tq. Dist. Ahmednagar.
6. Rupali Manoj Gohad
Age: Major, Occu.: Agri.,
R/o. Mulund (E), Mumbai. ...Respondent Nos.1 to 6
(Orig. Claimants)

Mr. Ruturaj Patil, Advocate for appellant

Mr. R.B. Dhaware, AGP for State

Ms. Akshara Madake h/f. Mr. Abhijit Kale, Advocate for respondents

...

AND

FIRST APPEAL NO.3737 OF 2017

WITH

CIVIL APPLICATION NO.12038 OF 2016

IN FA/3737/2017

1. Executive Engineer,
Lower (Nimn) Dudhana Project,
Selu Division, Tq. Selu, Dist. Parbhani,
Through Aurangabad Irrigation Division,
Aurangabad
2. The State of Maharashtra ...Appellants
(Ori.Resp.No.1 to 2)

VERSUS

1. Subhash Ramnarayan Baheti
Age: Major, Occu.: Agri.,
2. Brijlal Ramnarayan Baheti
Age: Major, Occu: Agri.,
Both R/o.: Erandgaon, Tq. Shegaon,
Dist. Ahmednagar. ...Respondent Nos.1 and 2

(Orig. Claimants)

Mr. Ruturaj Patil, Advocate for appellant

Mr. R.B. Dhaware, AGP for State

Ms. Akshara Madake h/f. Mr. Abhijit Kale, Advocate for respondents

...

AND**FIRST APPEAL NO.3738 OF 2017****WITH****CIVIL APPLICATION NO.12036 OF 2016****IN FA/3738/2017**

1. Executive Engineer,
Lower (Nimn) Dudhana Project,
Selu Division, Tq. Selu, Dist. Parbhani,
Through Aurangabad Irrigation Division,
Aurangabad

2. The State of Maharashtra

...Appellants
(Ori.Resp.No.1 to 2)

VERSUS

1. Alaknanda Omprakash Baheti
Age: Major, Occu: Agri.,
R/o.: Erandgaon, Tq. Shegaon,
Dist. Ahmednagar.

.Respondent No.1
(Orig. Claimant)

Mr. Ruturaj Patil, Advocate for appellant

Mr. R.B. Dhaware, AGP for State

Ms. Akshara Madake h/f. Mr. Abhijit Kale, Advocate for respondents

...

AND**FIRST APPEAL NO.3739 OF 2017****WITH****CIVIL APPLICATION NO.12030 OF 2016**

1. Executive Engineer,
Lower (Nimn) Dudhana Project,
Selu Division, Tq. Selu, Dist. Parbhani,
Through Aurangabad Irrigation Division,
Aurangabad

2. The State of Maharashtra

...Appellants
(Ori.Resp.No.1 to 2)

VERSUS

Narmadabai Ramrayan Baheti (died)
Through his LR's

1. Brijlal Ramnarayan Baheti
Age: Major, Occu: Agri.,
2. Subhash Ramnarayan Baheti
Age: Major, Occu: Agri.,
3. Shyamsundar Ramnarayan Baheti
Age: Major, Occu: Agri.,
4. Vijaykumar Ramnarayan Baheti
Age: Major, Occu: Agri.,
1 to 4 R/o.: Shevgaon Tq. Shevgaon,
Dist. Ahmednagar.
5. Vijaya Vijaykumar Baheti
Age: Major, Occu: Agri.,
6. Sarla Brijlal Baheti
Age: Major, Occu.: Agri.,
5 to 6 R/o: Erandgaon,
Tal. Shevgaon,
District : Ahmednagar.

...Respondent No.1 to 6
(Orig. Claimants)

Mr. Ruturaj Patil, Advocate for appellant
Mr. R.B. Dhaware, AGP for State

...

AND

FIRST APPEAL NO.3740 OF 2017

WITH

CIVIL APPLICATION NO.12026 OF 2016

IN FA/3740/2017

1. Executive Engineer,
Lower (Nimn) Dudhana Project,
Selu Division, Tq. Selu, Dist. Parbhani,
Through Aurangabad Irrigation Division,

Bhagyawant Punde

Aurangabad

2. The State of Maharashtra

...Appellants
(Ori.Resp.No.1 to 2)

VERSUS

1. Maruti Rambau Thorat
Age: Major, Occu: Agri.,

2. Malanbai Rambau Thorat
Age: Major, Occu: Agri.,
Both R/o: Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

...Respondent No.1 to 2
(Orig. Claimant)

Mr. Ruturaj Patil, Advocate for appellant

Mr. R.B. Dhaware, AGP for State

Ms. Akshara Madake h/f. Mr. Abhijit Kale, Advocate for respondents

...

AND

FIRST APPEAL NO.3741 OF 2017

WITH

CIVIL APPLICATION NO.12028 OF 2016

IN FA/3741/2017

1. Executive Engineer,
Lower (Nimn) Dudhana Project,
Selu Division, Tq. Selu, Dist. Parbhani,
Through Aurangabad Irrigation Division,
Aurangabad

2. The State of Maharashtra

...Appellants
(Ori.Resp.No.1 to 2)

VERSUS

1. Vinod Shivaji Shisode
Age: Major, Occu: Agri.,
Both R/o: Erandgaon, Tal. Shevgaon,
District : Ahmednagar.

...Respondent No.1
(Orig. Claimant)

Mr. Ruturaj Patil, Advocate for appellant

Mr. R.B. Dhaware, AGP for State

Ms. Akshara Madake h/f. Mr. Abhijit Kale, Advocate for respondents

...

CORAM : NITIN B. SURYAWANSHI, J.**RESERVED ON : 17th OCTOBER , 2024**
PRONOUNCED ON : 14th DECEMBER, 2024**JUDGMENT :**

1. Heard.
2. **Admit.** Taken up for final hearing with the consent of parties.
3. By these first appeals filed under Section 54 of the Land Acquisition Act, acquiring body challenges clause (4) of the common judgment and award passed by 4th Joint Civil Judge, Senior Division, Dist. Ahmednagar in Land Acquisition Reference Nos. 11 of 2011 to 66 of 2011, thereby awarding interest under Section 28 @9% per annum w.e.f. 01.09.1984 for a period of one year and thereafter @ 15% till realization of the amount and under Section 34 w.e.f. 01.09.1984 till the date of award.
4. Facts which are necessary to decide these first appeals are as follows:

Jayakwadi dam was constructed in the year 1971. For this project some lands were acquired. However, lands of the claimants were not acquired. In the year 1984 Jayakwadi dam was filled to its maximum capacity and lands of the claimants

submerged in the water. Since claimants were unable to cultivate their lands as their lands were submerged in the water, they made correspondence with the Government and subsequently filed Writ Petition No. 133 of 2005 in this Court. In the said petition, a statement was made that Government has started acquisition process, hence, this Court directed that the joint measurement should be carried out within one month and award be passed within one year. In spite of directions issued by this Court, lands were not acquired and award was not declared.

5. Notification under Section 4 was published on 07.02.2008 and award was declared on 30.09.2008. Special Land Acquisition Officer awarded compensation @ Rs. 2461 to Rs. 3250 per Are as per the category of the land. Claimants filed references for enhancement. Appellant/acquiring body did not participate in the references and ex-parte award was passed against it. Reference Court by common judgment and award granted compensation @ Rs. 4506 to Rs. 9012 per Are as per the category of land. Impugned clause (4) of the operative order of judgments and awards reads thus:

"४. अर्जदार दि. ०१/०९/१९८४ पासून म्हणजेच ताबा गेल्याच्या दिवसापासून भुसंपादन कायदा कलम २८ प्रमाणे १ वर्षासाठी द.सा.द.शे.

९ टक्के व तेथून पुढे संपूर्ण रक्कम वसूल होईपर्यंत द.सा.द.शे. १५ टक्के दराने व्याज मिळण्यास पात्र आहे. तसेच भुसंपादन कायदा कलम ३४ नुसार दि. ०१/०९/१९८४ पासून अवॉर्डच्या तारखेपर्यंत कायद्यानुसार फायदा मिळण्यास पात्र आहे.”

Appellant/Acquiring Body is aggrieved by the direction in the above clause thereby awarding interest w.e.f. 01.09.1984.

6. Heard learned advocates for appellant-acquiring body, learned AGP for State and learned advocates for claimants.

7. Learned advocates representing appellants assailed clause (4) of the award by submitting that Reference Court could not have awarded interest by presuming that claimants lost possession of their respective lands w.e.f. 01.09.1984. They submit that there is no material on record to show that possession was taken on 01.09.1984. In view of the fact that notification under section 4 is published on 07.02.2008 and award was declared on 13.09.2008, claimants are entitled for interest under section 28 from 13.09.2008. In support of their submissions they relied on *State of Maharashtra Vs. Kailash Shiva Rangari*, 2016(4) ALL MR 513 (F.B.) and *Lila Ghosh (SMT) (DEAD) Through LR. Tapas Chandra Roy vs. State of W.B.,*

(2004) 9 SCC 337.

8. Learned advocates for claimants, on the other hand, supported the impugned judgment and award. They submitted that the Reference Court is justified in awarding interest w.e.f. 01.09.1984 on the ground that Jayakwadi dam was filled to its maximum capacity in the year 1984, hence, claimants lost possession of their lands in the year 1984, as they could not take crops, since the dam was filled to its maximum capacity. They further submitted that they have examined officer of irrigation department, namely Bhimrao Deshpande, Deputy Engineer, Paithan Jalvidyut Prkalp, Sub Division, Aurangabad, to prove letters Exhibit-16 to 18, by which his office directed some of the claimants that since the dam is filled to its maximum capacity and acquisition process is in progress, they should not take crops in their respective lands, which are under survey. If the crops are sown and they are damaged by water, his office will not be responsible for the same. By relying on these letters and his evidence it is submitted that this is sufficient to prove that possession of the lands of claimants was taken in the year 1984. Hence, they tried to justify the direction to award of interest w.e.f. 01.09.1984, contained in clause (4) of the award.

9. Heard learned advocates for acquiring body, learned AGP for State and learned advocates for claimants at length. Perused the record.

10. The point raised in these first appeals is no more *res integra* and same is squarely covered by Full Bench decision in Kailash Rangari (supra). Relevant observations of Full Bench are as follows:

"13. Taking over the possession of the land by the Collector, is the necessary ingredient or an instance of vesting of title in the Government under the provisions of the said Act and it is, therefore, of a great significance. The proceedings commenced for acquisition of land upon issuing notification under Section 4(1) of the said Act can be dropped in terms of Section 48 therein, before the land vests in the Government. Once the land vests in the Government, it is not even possible to withdraw it from acquisition. For vesting of title, the manner of taking possession has to be strictly adhered to. The concept of deemed vesting of land in the Government as has been canvassed by S/Shri Agnihotri and Thakre, the learned counsel for the claimants, cannot be imported upon publication of notification under Section 4(1) of the said Act, if the possession of the land taken by the Collector de hors the provisions of the Act, continues with him upon issuance of such notification. The possession taken over in the acquisition proceedings de hors the provisions of the Act will not confer or vest the title over it in the Government merely because notification under Section 4(1) of the said Act is issued and the proceedings for acquisition of the land have commenced.

14.-----

31. *If the land-owner is divested the possession of his land by the Collector or the State Government illegally or de hors the provisions of the said Act, it is open for him to recover such possession and claim rent and damages for the use and occupation for the period for which the State Government has illegally retained the possession of the land. To take care of such situation, certain administrative circulars have been issued by the State Government for payment of rental compensation, in accordance with which the claimants are paid for the period for which they are deprived of the benefits of the land till the notification is published under Section 4(1) of the said Act. We are not concerned in this matter about the rental compensation or the damages to which the claimants are entitled, if the possession of the land is de hors the provisions of the Act.*

32. *Keeping in view the entire scheme of the Land Acquisition Act and the ratio of the decisions of the Apex Court in the cases of R.L. Jain and Lila Ghosh, cited supra, the position of law can be summarized as under :*

(i) If the possession of the land under acquisition is taken under Section 16 of the said Act i.e. after an award is made by the Collector under Section 11 therein, the interest would be payable under Section 34 from the date of passing of the award and we are in agreement with such a view expressed by the Division Bench of this Court (S/Shri N.V. Dabholkar and M.G. Gaikwad, JJ.) in the case of State of Maharashtra & anr v. Rajendra Narayanrao Gaikwad, reported in 2008(1) BCR 839: [2007(5) ALL MR 521].

(ii) The interest as provided under Section 34 of the said Act shall start running from the date of possession, only if the possession is taken by the Collector in exercise of his powers under Section 17 of the said Act which would obviously be after issuance of notice under

Section 9(1) of the said Act. If the possession is taken under Section 17, the interest payable under Section 34 of the said Act shall start running from the date of possession and not from the date of award.

(iii)-----

(iv) The starting point for the purposes of calculating the amount of additional component under Section 23(1-A) of the said Act at the rate of twelve per centum per annum is the date of publication of the notification under Section 4 of the said Act, and the terminal point is either the date of the award or the date of taking possession, whichever is earlier."

11. In the light of aforesaid observations of the Full Bench, claimants are not entitled for interest w.e.f. 01.09.1984. But interest under Section 28 and 34 needs to be awarded w.e.f. the date of award i.e. 30.09.2008.

12. The Reference Court erred in coming to a conclusion that since the dam was filled to its maximum capacity, lands of claimants submerged in the water, in the month of September, 1984 and therefore they are entitled for interest under Section 28 and 34 from that date, without there being any material on record to show that possession was taken before passing of the award. These observations are contrary to the settled legal position, hence, cannot be sustained.

13. In the result, following order:

ORDER

- (I) First Appeals are allowed.
- (II) Clause (4) of the common impugned judgment and award passed by 4th Joint Civil Judge, Senior Division, Dist. Ahmednagar in Land Acquisition Reference Nos. 11 of 2011 to 66 of 2011 is hereby quashed and set aside and same is substituted as follows:
- “(4) Claimants shall be entitled for interest under Section 28 and 34 of the Land Acquisition Act @ 9% per annum for a period of one year from the date of award i.e. 30.09.2008 and thereafter @ 15% till realization of the amount.
- (III) Rest of the award is maintained.
- (IV) In view of disposal of first appeals, pending civil applications, if any, are disposed of.

[NITIN B. SURYAWANSHI, J.]