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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.729 OF 2017

Ramrao Onkar Patil

APPELLANT

VERSUS

The Collector, Jalgaon and Others

RESPONDENTS

AND

FIRST APPEAL NO.735 OF 2017

Narayan Ramdayal Lathi

APPELLANT

VERSUS

The Collector, Jalgaon and Others

RESPONDENTS

AND

FIRST APPEAL NO.765 OF 2017

Fakira Shamrao Chaudhari & Others

APPELLANTS

VERSUS

The Collector, Jalgaon and Others

RESPONDENTS

AND

FIRST APPEAL NO.805 OF 2017

Chandrashekhar Javarilal Raka

APPELLANT

VERSUS

The Collector, Jalgaon and Others

RESPONDENTS

AND

FIRST APPEAL NO.904 OF 2017

Paras Javerilal Raka

APPELLANT

VERSUS

The Collector, Jalgaon and Others

RESPONDENTS

AND

FIRST APPEAL NO.583 OF 2017

Ramesh Indarchand Jain and Others

APPELLANTS

VERSUS

The Collector, Jalgaon and Others RESPONDENTS

AND
FIRST APPEAL NO.632 OF 2017

Mainabai Rajaram Patil APPELLANT

VERSUS

The Collector, Jalgaon and Others RESPONDENTS

AND
FIRST APPEAL NO.634 OF 2017

Sunanda Sanjay Patil APPELLANT

VERSUS

The Collector, Jalgaon and Others RESPONDENTS

AND
FIRST APPEAL NO.584 OF 2017

Ratanlal Shivnath Jain APPELLANT

VERSUS

The Collector, Jalgaon and Others RESPONDENTS

AND
FIRST APPEAL NO.582 OF 2017

Rajendra Dalsing Patil APPELLANT

VERSUS

The Collector, Jalgaon and Others RESPONDENTS

AND
FIRST APPEAL NO.728 OF 2017

Lilabai Kevalchand Jain APPELLANT

VERSUS

The Collector, Jalgaon and Others RESPONDENTS

AND
FIRST APPEAL NO.766 OF 2017

Samadhan Fakira Chaudhari

APPELLANT

VERSUS

The Collector, Jalgaon and Others

RESPONDENTS

AND

FIRST APPEAL NO.767 OF 2017

Narendra Fakira Choudhari

APPELLANT

VERSUS

The Collector, Jalgaon and Others

RESPONDENTS

AND

FIRST APPEAL NO.1905 OF 2015

Bhimrao Damu Patil

APPELLANT

VERSUS

The Collector, Jalgaon and Others

RESPONDENTS

AND

FIRST APPEAL NO.1906 OF 2015

Babita Sanjiv Dawala and Others

APPELLANTS

VERSUS

The Collector, Jalgaon and Others

RESPONDENTS

AND

FIRST APPEAL NO.633 OF 2017

Anil Ramrao Patil

APPELLANT

VERSUS

The Collector, Jalgaon and Others

RESPONDENTS

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Mr. Ajeet B. Kale, Advocate for the appellants

Mr. D. J. Patil, Mr. R. B. Dhaware and Mr. R. D. Raut, AGPs for
respondent - State

Mr. V. V. Tarde, Mrs. Manjusha S. Jagtap - Ware, Mr. Shivraj K.
Kadu, Advocates for acquiring body

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th OCTOBER, 2024

ORDER :

1. These first appeals are filed by the claimants seeking enhancement of compensation. Lands of the claimants are acquired for M. I. Tank, Moygaon / Londhari, Taluka Jamner, District - Jalgaon . Notification under section 4 of the Land Acquisition Act was published on 29th August, 2005 and Award was declared by the Special Land Acquisition Officer on 20th October, 2008. Being aggrieved by the inadequate compensation, awarded by the Special Land Acquisition Officer, the claimants filed following references :

S. N.	Name	First Appeal No.	LAR No	Area acquired
01	Ramrao Onkar Patil	729 of 2017	315 of 2009	7 R
02	Narayan Ramdayal Lathi	735 of 2017	303 of 2009	52R
03	Fakira Shamrao Chaudhari & Others	765 of 2017	808 of 2009	4 H 10 R, 2 R PK
04	Chandrashekhar Javarilal Raka	805 of 2017	302 of 2009	1 H 53 R
05	Paras Javarilal Raka	904 of 2017	301 of 2009	92 R & 80 R
06	Ramesh Indarchand Jain	583 of 2017	311 of 2009	3 H 53 R and 2 H 91 R and 11 R PK
07	Mainabai Rajaram Patil	632 of 2017	728 of 2009	1 Hectare
08	Sunanda Sanjay Patil	634 of 2017	727 of 2009	1 H 3 R

09	Ratanlal Shivnath Jain	584 of 2017	313 of 2009	74 R
10	Rajendra Dalsing Patil	582 of 2017	312 of 2009	83 R and 71 R PK
11	Lilabai Kevalchand Jain	728 of 2017	314 of 2009	4 H 53 R & 27 R PK
12	Samadhan Fakira Chaudhari	766 of 2017	811 of 2009	1 H 50 R
13	Narendra Fakira Choudhari	767 of 2017	810 of 2009	1 H 50 R
14	Bhimrao Damu Patil	1905 of 2015	809 of 2009	4 H 10 R & 2 R PK
15	Babita Sanjiv Dawala & Others	1906 of 2015	316 of 2009	95 R & 5 R PK
16	Anil Ramrao Patil	633 of 2017	726 of 2009	1 H and 6 R PK

2. Reference Court partly allowed the references and enhanced the compensation. However, the claimants being dissatisfied with the enhancement awarded by the Reference Court, have filed present first appeals.

3. Heard learned advocate for the appellants - claimants, learned advocates for the acquiring body and learned AGPs for the State. Perused the documents placed on record.

4. Admittedly, similarly situated claimants, whose lands were acquired for the same project, in the same acquisition process, filed LAR Nos. 892 of 2013, 893 of 2013, 894 of 2013, 895 of 2013, 896 of 2013, 897 of 2013, 898 of 2013, 899 of 2013, 900 of 2013, 901 of 2013 and 902 of 2013, which are partly allowed by the Reference Court, vide Judgment and Award dated 23rd

April, 2018, thereby awarding compensation @ Rs.12,00,000/- per Hectare for irrigated lands, Rs.6,00,000/- per Hectare for Jirayat land and Rs. 3,00,000/- per Hectare for *Pot Kharab* land.

5. Learned advocates, representing respective acquiring bodies, have agreed to the rates awarded by the Reference Court in LAR No. 892 of 2013 and connected matters. Chart of present First Appeals, signed by learned advocates representing the respective parties, is placed on record and the same is marked "X" for the purpose of identification.

6. In view of the aforesaid admitted position on record and since the appellants – claimants are similarly situated like that of claimants in LAR No. 892 of 2013 and connected matters, on the ground of parity also, they are entitled for similar compensation. Hence, the following order:

ORDER

- A. First Appeals are partly allowed with proportionate costs.
- B. Appellants - Claimants be paid following compensation :
 - I. For irrigated land, @ Rs.12,00,000/- per Hectare.
 - II. For Jirayat land @ Rs.6,00,000/- per Hectare
 - III. For *Pot Kharab* @ Rs.3,00,000/- per Hectare
 - IV. Value of fruit bearing trees @ 80% of the valuation

report submitted in the Reference Court.

- C. The above compensation be paid along with statutory benefits.
- D. Rest of the Award is maintained.

[NITIN B. SURYAWANSHI]
JUDGE

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