



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 13932 OF 2023
IN FAST/34212/2023**

KAILSAGEER PRAMANAND GOSAVI DIED THR LRS USHABAI
ASHOK GOSAVI AND ORS

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER UPPER TAPI
PROJECT HATNOOR NO.1 AND ANR

AND

**CIVIL APPLICATION NO. 13933 OF 2023
IN FAST/34159/2023**

BIJLABAI KAILASGEER GOSAVI (DIED) THR LRS GOPAL
KAILASIR GOSAVI AND ORS

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER UPPER TAPI
PROJECT HATNOOR 1 JALGAON AND ANR

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Mr. Vijay Y. Patil, Advocate for Applicants.

Mr. P. S. Patil and Mr. S. B. Jadhav, AGP for Respondents-State.

Mr. D. D. Pokharkar, Advocate for Respondent No.2.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 20th AUGUST, 2024.**

P.C.:-

1. Heard the learned counsel appearing for the parties.
2. Civil Application Nos.13932/2023 and 13933/2023 are filed to condone delay in filing First Appeals. The learned counsel for the applicants submits that the claimants would not claim any interest and statutory benefits for the delayed period.
3. For the reasons stated in the Civil Applications, the same are allowed subject to condition that the applicants – claimants shall not claim interest and statutory benefits for the delayed period. Delay of 6097 days is condoned. Civil Applications are disposed of accordingly. Appeals be registered.

4. Heard the learned counsel for the parties in the First Appeals.

5. The learned counsel for the appellants—original claimants submits that these matters can be disposed of in terms of the order dated 20.10.2023 passed in First Appeal No.3331 of 2023 and order dated 19.10.2023 passed in First Appeal No.5165 of 2017 along with connected matters.

6. The learned counsel for the respondent—acquiring body has placed on record a chart dated 04.12.2023 issued by the Executive Engineer, Waghur Dharan Vibhag, Jalgaon whereby instructions are received that the amount of compensation be accepted at Rs.2,00,000/- for Jirayat land and as far as trees are concerned, 80% of the valuation is accepted. The said chart is taken on record and same is marked as 'X-1' for identification purpose.

7. In terms of the order dated 20.10.2023 passed in First Appeal No.3331 of 2023 and order dated 19.10.2023 passed in First Appeal No.5165 of 2017 along with connected matters and also in view of the chart dated 04.12.2023, which is in conformity with the order dated 19.10.2023 passed in First Appeal No.5165 of 2017 and the submissions of the learned counsel appearing for the acquiring body, the following order is passed :

ORDER

a. The award of the Reference Court is modified to the extent of Jirayat land and the appellants are granted compensation of Rs.2 lacs per hectare to the Jirayat 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.

b. Remaining compensation and interest would be worked out accordingly by the Executing Court. Other statutory benefits would also be worked out by the Executing Court.

c. Award be modified accordingly. First Appeals are disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/August-2024