


CNR No.MHNG130016212023 	Filed on	: 14/01/2013
	Registered on	: 14/01/2013
	Decided on	: 18/03/2026
	Duration	: Yrs, Mon, Days
		13 02 04

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, RAMTEK.
(Presided over by Shri. S.M. Sarode)

L.A.C.No. 100160/2013

Exhibit No.46.

1. Anandrao Sadashiv Hirekhan,
(Amendment as per order dt.2.07.2024)
- 1A- Smt. Ratnamala wd/o Anandrao Hirekhan
Aged 72 years, Occ.- Household,
- 1B- Chandramani s/o Anandrao Hirekhan,
Aged 43 years, Occ.- Agriculturist,
- 1C- Jitendra s/o Anandrao Hirekhan,
Aged 38 years, Occ.-Agriculturist,
1A to 1C R/o Babdev, Post-Babdev,
Tahsil-Mouda, District-Nagpur.
- 1D- Sau. Hemlata Bandu Gajbhiye,
Aged 46 years, Occ.-Household,
R/o Plot No.15, New Narsala Rd.,
Sudarshan Nagar, Hudkeshwar,
Mhalgi Nagar, Nagpur,
Tahsil & District-Nagpur.
- 1E- Sau. Vidhya Sanjay Rangari,
Aged 41 years, Occ.-Household,
R/o Petrol Pump, Ambedkar Ward,
Bhandara, Tahasil & District-Nagpur.
2. Rushi Govindrao Hirekhan,
Aged- Major, Occ.-
R/o Nava Nakasha, Nagpur.

.. Applicants

... Versus...

1. Special Land Acquisition Officer,
Project Authority,
Mouda NTPC Project,
Mouda, District-Nagpur.
2. Dy. Collector (Resettlement),
Collector Office,
Nagpur.
Nagpur/Project Manager NTPC, Mauda. .. Non-applicants

Learned Advocate Shri. P. B. Bante for the applicants.
Learned Advocate Shri. A.G.P for Non-applicants.

(J U D G M E N T)
(Delivered on this 18th day of March, 2026)

This is the reference, forwarded to the Court by the Special Land Acquisition Officer, Nagpur/Project Manager, NTPC, Mauda, Nagpur, vide Section 35 of Maharashtra Industrial Development Act 1961, for the apportionment of compensation amount.

02. The factual matrix of the case is as under –

The present reference is addressed to the Hon'ble Principal District Judge, Nagpur, in connection with an application submitted under Section 35 of the Maharashtra Industrial Development Act, 1961, relating to land acquisition proceedings bearing Case No. 12/A-65/2008-2009 concerning Mouza Bawde, Tahsil Mouda, District Nagpur. The application pertains to land from Khasra No. 23 admeasuring 1.64 hectares, out of which 0.42 hectare has been acquired, and the amount of compensation representing 100% of the acquired land, amounting to Rs.8,30,256/-, is sought to be deposited before this Hon'ble Court.

03. It is stated that, in the present matter, under the provisions of the Maharashtra Industrial Development Act, 1961, the Regional Officer of the

Maharashtra Industrial Development Corporation, Nagpur, acting pursuant to the notification issued by the Government of Maharashtra, Industries, Energy and Labour Department, Mumbai, dated 26.06.2008, declared land admeasuring 11.66 hectares situated at Mouza Bawde, Tahsil Mouda, District Nagpur, as an industrial area for the NTPC Mouda 1000 MW Power Project. Out of the said land, 0.42 hectare from Khasra No. 23 situated at Mouza Bawde has been acquired.

04. In respect of the said land, being the landholders, individual notices under Section 32(2) of the Maharashtra Industrial Development Act, 1961 were issued on 16.09.2008 and 28.03.2011 to Shri Anand Sadashiv Hiwrekar, Shri Rishi Govindrao Hiwrekar, Smt. Guni Govindrao Hiwrekar and Smt. Jijabai Uddaram Hiwrekar. In the current 7/12 extract, the names of the aforesaid persons appear as the landholders. Accordingly, it has been directed that the compensation amount representing 100% of the acquired land, amounting to Rs.8,30,256/-, be paid to them.

05. It is further submitted that, in accordance with the rules governing the said acquisition, a notice dated 28.03.2011 was issued by this office calling upon the concerned landholders to receive the compensation. Pursuant thereto, Shri Anand Sadashiv Hiwrekar appeared before this office and submitted that Smt. Guni Govindrao Hiwrekar had expired on 04.04.1992 and Smt. Jijabai Uddaram Hiwrekar had expired on 30.03.1998. Accordingly, this office issued public notice dated 03.02.2012 through publication inviting claims of heirs, if any. However, no objections or claims were received in response to the said public notice within the stipulated period.

06. Subsequently, Shri Rishi Govindrao Hiwrekar submitted a written application dated 07.03.2011 stating that the lands bearing Khasra Nos. 22 and 23 admeasuring 2.20 hectares and 1.66 hectares respectively are the

subject matter of litigation pending before the Civil Court at Nagpur in Regular Civil Suit No. 1087/2008. In view of the pendency of the said civil litigation relating to the ownership rights over the said lands, this office was directed to withhold the disbursement of compensation.

07. Further, Smt. Rajni Ramesh Patil submitted an application dated 09.11.2011 before this office stating that the lands bearing Survey Nos. 22 and 23 situated at Mouza Bawde are the subject matter of dispute regarding ownership before the Civil Court. In view of the pendency of the dispute and until the decision of the competent Civil Court, the compensation amount in respect of the said lands should not be disbursed to any person. Accordingly, under Section 34 of the Maharashtra Industrial Development Act, the matter has been referred to the Civil Court.

08. It is pertinent to note here that, the non-applicants have failed to file their written statement on record.

09. It is pertinent to note here that, the third party namely, Roshanlal Gajbhiye has filed an application to add him as a party to the present reference/petition however, said application has been rejected on 4/04/2025.

10. Considering contentions of parties, following points have been formally framed to decide matter on the merit. I have recorded my findings against each of the point for the reasons recorded hereunder-

Sr. No.	Points	Findings
1	Do the applicants prove that they are having right or interest over the acquired land ?	In the affirmative.
2	Who is entitled to receive the amount of award/compensation and to what extent ?	1/2 to the each applicant i.e. deceased Anandrao and Rushikumar

3	What order and award ?	:	As per final order.
---	------------------------	---	---------------------

REASONS

11. In order to prove their case, applicants examined Jitendra Anandrao Hirekhan (PW-1) at Exh.25 and witness namely Rushikumar Govindrao Hirekhan (PW-2) at Exh.42. Applicants thereafter, have filed evidence closed pursis below Exh.43. The applicants have filed relevant documents particularly death certificate of Gunabai and Jeejabai at Art "A" and "B" respectively, proclamation at Exh.26, 7/12 extract of suit property at Exh.27, extract-8 at Exh.28, other documents at Exh.29 to 34 respectively and certified copy of plaint filed in Regular Civil Suit No.62/2018 at Exh.40.

12. On the other hand, the non-applicants have filed a pursis at Exh.44 stating that, they do not want to lead evidence.

As to Point Nos. 1 and 2 -

13. It is a settled principle of law that the claimants must establish their case on the strength of their own evidence.

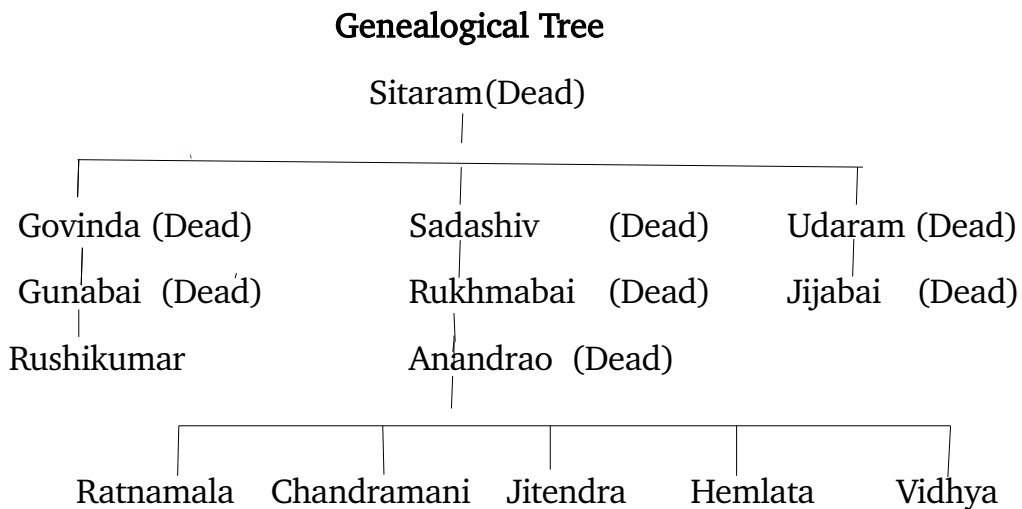
14. In the present matter, the applicants have asserted that they are entitled to receive the compensation amount awarded in respect of Survey No. 23, contending that the said survey number constitutes their ancestral property.

15. The witnesses examined on behalf of the applicants, namely Jitendra (PW-1) and Rushikumar (PW-2), have deposed that Govindrao and Anandarao were real brothers and that the present applicants are their surviving legal heirs. They have further stated that the other co-owners of the suit property, namely Jijabai and Gunabai, have expired and that there are no surviving legal heirs except the present applicants.

16. The oral testimony of the applicants has remained unchallenged, as the respondents failed to cross-examine the said witnesses.

17. In order to corroborate the oral evidence, the applicants have produced documentary evidence on record, particularly the death certificates of Gunabai and Jijabai at Exhibits 'A' and 'B' respectively, and the 7/12 extract pertaining to the suit property at Exhibit-27. Upon perusal of the said documents, it is revealed that the names of Anand Rao, Rushi, Guni and Jijabai are recorded as owners of the suit property. The documents further disclose that Jijabai and Guni are deceased and that Anand Rao and Rushikumar were the lawful owners of the said property. It is also evident from the record that Anand Rao expired during the pendency of the present reference on 21/12/2022 and that the present applicant Nos. 1A to 1E are the legal heirs of the deceased Anand Rao.

18. In other words, the genealogy of the applicants' family can be described with reference to the plaint in Regular Civil Suit No. 62/2018 (Exhibit-40), which reflects the genealogical lineage of the applicants' family as under:



19. Upon considering both the oral as well as documentary evidence on record, it stands established that the deceased applicants were the only surviving legal heirs of the original owners and consequently they are the present owners of the suit property. Therefore, the present applicants alone are entitled to receive the compensation amount in respect of the suit property.

20. Applicant Nos. 1A to 1E are the legal heirs of the deceased Anandarao, whereas applicant No. 2 is the legal heir of the deceased Govindrao. It is pertinent to note that deceased Anandarao and deceased Govindrao were real brothers. Taking this aspect into consideration, applicant Nos. 1A to 1E and applicant No. 2 are each entitled to an equal share in the compensation amount. In other words, applicant Nos. 1A to 1E collectively are entitled to 50% of the compensation amount, whereas the remaining 50% share shall exclusively belong to applicant No. 2, namely Rushikumar. Accordingly, I answer the point in that manner.

As to point No. 3 -

21. In view of the findings recorded on Point Nos. 1 and 2, the present reference deserves to be allowed. All the legal heirs of the deceased Anandarao, namely Ratnamala, Chandramani, Jitendra, Hemlata and Vidhya, are entitled to receive one half share ($\frac{1}{2}$) of the compensation amount granted in respect of Survey No. 23 as per the award passed in Land Acquisition Case No. 12/A-65/2008-2009. Whereas applicant No. 2, namely Rushikumar, is entitled to the remaining one half share ($\frac{1}{2}$) in the compensation amount awarded in respect of Survey No. 23. Hence, I proceed to pass the following order.

ORDER

1. The reference is allowed.
2. It is hereby declared that all the legal heirs of the deceased Anand Rao, namely Ratnamala, Chandramani, Jitendra, Hemlata and Vidhya, are collectively entitled to one half share ($\frac{1}{2}$) in the compensation amount awarded in respect of Survey No. 23 as per the award passed in Land Acquisition Case No. 12/A-65/2008-2009.
3. It is further declared that the legal heir of Govindrao, namely Rushikumar, is also entitled to one half share ($\frac{1}{2}$) in the compensation amount awarded in respect of Survey No. 23 as per the award passed in Land Acquisition Case No. 12/A-65/2008-2009.
4. The Land Acquisition Officer, Nagpur or the Project Manager, NTPC, Mouda, is directed to disburse the compensation amount to the respective parties in accordance with their shares after making adjustment of any amount already paid, if any.
5. No order as to costs.
6. Award be drawn accordingly.
7. Dictated and pronounced in open Court.

Ramtek.
Date: 18/03/2026.

[S. M. Sarode]
Civil Judge Senior Division,
Ramtek.

Endorsement

Case argued on	:	18.03.2025
Judgment dictated on	:	18.03.2025
Transcription ready on	:	18.03.2025
Judgment checked and signed on	:	18.03.2025

CERTIFICATE

I affirm that the contents of this P.D.F. file of judgment are same word to word as per original judgment.

Name of Stenographer : R. J. Khobragade (Gr.- II)