


MHOS050004282024 	<b>CIVIL M.A.NO.96/2024</b>
	<b>Itthadul / State</b>

**ORDER BELOW EXH.1**

1. Competent authority/ Deputy Collector Land Acquisition Officer Manjra Project, Osmanabad has referred this matter to the court as per Section 3(H)(4) of National High Way Act 1956.
2. 29.45 square meter land alongwith structure thereon of City Survey no.1168 village Turori is acquired for National High Way in भुसंपादन प्रकरण क्रं.२०१७/भुस/रा.म.मा.क्र.९/सीआर/२३९. Land was owned by one Makdum Suleman Shaikh. Compensation of Rs.91663/- is awarded. Makdum Suleman Shaikh died. Therefore Ittehadul Muslim Samaj Charitable Trust, Turori has claimed amount of Rs.91,663/- on the ground that wife of Makdum Suleman Shaikh gave said land to the trust by making dan patra.
3. Notice is issued to the respondent. It is served vide Exh.3. But respondent remain absent. Therefore matter proceeded exparte.
4. I heard learned advocate of applicant. He submits that on behalf of the trust, president and one more witness has filed affidavit supported by the documents. Their evidence alongwith documents shows that acquired land was of Makdum Suleman Shaikh. He survived by his wife Chandbee Makdum Shaikh. Chandbee Shaikh during her life time executed dan patra in respect of acquired land in favour of trust. Initially it was known as Muslim Committee, later on registered as trust in 2018. During her life time

Muslim Committee/ Trust has taken her care for maintenance. After her death, there is no legal heirs. Therefore in view of dan patra executed by Chandbee Shaikh, Trust became the owner of said land. Hence entitled to seek its compensation.

5. following points arise for determination finding thereon are given for the reasons mentioned thereafter.

Sr No.	Points	Findings.
1	Who are the legal heirs of Makdum.. Suleman Shaikh ?	Chandbee Shaikh.
2	Whether Chandbee Makdum Shaikh owned property i.e. residential house situated at Turori described as east lane, west-manu Bedge, Kashim Bedge, south-Mujarwarcha Wad, north- road High Way no.9 ?	.. In the affirmative.
3	Whether residential house described in point no.2 is the same property of survey no.1168 admeasuring 29.45 situated at Turori ?	.. In the affirmative.
4.	Whether Chandbee Makdum Shaikh gave property described in point no.2 and 3 to Ittehadul Muslim Samaj.. Charitable Trust Turori by danpatra ?	In the affirmative.
5.	Whether applicant is entitled to the compensation of Rs.91,663/- ?	In the affirmative.
6	What order ?	..Application is allowed.

### **REASONS.**

#### **AS TO POINT NO.1 :-**

6. Sallauddin Pirjade is the president of Ittehadul Muslim Samaj Charitable Trust. He gave evidence at Exh.7, Exh.20 stating on oath that acquired land was owned by Makdum Suleman

Shaikh. He is survived by his wife Chandbee Shaikh. Chandbee Shaikh was not having any one in the family. Therefore trust has to maintain her. Hence she executed dan patra of the acquired land in her lifetime in favour of trust and given acquired land to the trust.

7. Nabibsab Bashir Takle is the witness. He resides in the same vicinity where acquired land is situated. He is the neighbour of Makdum Suleman Shaikh, Chandbee Suleman Shaikh. His Evidence shows that acquired land was owned by Makdum Suleman Shaikh. After his death, his wife was residing in said house. She was not having any heirs. Therefore during her lifetime , she executed dan patra of acquired land in favour of trust. Their evidence on this point remain unchallenged. Even when notice was issued by the Special Land Acquisition Officer, president of the trust appeared in the said matter on behalf of Makdum Suleman Shaikh and claimed amount of compensation. This shows that since initially trust has appeared in the matter claiming ownership on the acquired land.

8. Evidence of the president and witness shows that Makdum Suleman Shaikh and Chandbee Makdum Shaikh both only were in the house. After their death, there is no one in their house. Their evidence on oath shows that Chandbeen Shaikh is the wife of Makdum Suleman Shaikh. Evidence on oath remain unchallenged. Therefore, I answer point no.1 in the affirmative that Chandbee is the legal heir of Makdum Suleman Shaikh.

**AS TO POINT NOS. 2 TO 4 :-**

9, Evidence of president of trust and witness shows that acquired land is situated in City Survey No.1168. It is admeasuring 80.02 square meter. Out of this area Makdum Suleman Shaikh has house in the 29.45 square meter land which is acquired for National High Way Project. Witness Nabibsab Bashir Takle reside in the same

vicinity. His evidence shows that Makdum Suleman Shaikh had house in City Survey no.1168. At the east of the house, there is lane and behind it lane of Younus Mujawar, land of Mannu Bedge, Khashim Bedge sold to Alimuddim Pirjade is situated at the west of it. At the north- there is National High Way, new National High Way No.65. His evidence shows that this land is the same land from City Survey no.1168 acquired for National High Way.

10. President of the trust gave evidence that acquired land admeasuring 29.45 square meter out of 80.02 square meter of City Survey No.1168 in the house owned by Makdum Suleman Shaikh.

11. Applicant had also filed documents, map of City Survey no.1168, Malmatta Patrak of City Survey no.1168. This Malmatta Patrak shows that 80.02 square meter land of City Survey no.1168 of Turori is in the name of Makdum Suleman Shaikh.

12. Award bearing no.भुसंपादन प्रकरण क्र.२०१७/भूस/रा.म.मा.क्र.९/सीआर/२३९ shows that 29.45 square meter land of City Survey No.1168 of Makdum Suleman Shaikh is acquired and compensation of Rs.91,663/- is awarded to him.

13. Other papers received to the court from the proceeding of Special Land Acquisition Officer shows that notice was issued to Makdum Shaikh. On his behalf of Ittehadul Muslim Samaj Charitable Trust Turori has appeared in the matter and claimed amount of compensation on the basis of ownership of the acquired land received to the trust. Other documents shows that Chandbee has executed dan patra in favour of the trust.

14. President of the trust and witness gave evidence on oath that after the death of Makdum Shaikh, Chandbee Shaikh was alone. During that period, she was maintained by the trust. Her needs, requirement were fulfilled by the trust. Therefore she gave acquired

land to the trust by dan patra. In the dan patra, City Survey number, area 29.45 square meter is not mentioned clearly. On the basis of dan patra, trust appeared in the matter claiming that the acquired land is the same land in respect of which dan patra is executed. Evidence of the president of trust and one independent witness remain unchallenged on this point. Both of them gave description of the acquired land. Even they stated about the land adjacent to the acquired land. This evidence of president of trust and other independent witness remain unchallenged has proved that acquired land and the land of which dan patra is executed is one and the same situated in City Survey No.1168 admeasuring 29.45 square meter out of 80.02 square meter. Appearance of the trust in the matter is not in this court. But before the Special Land Acquisition Officer. This itself shows that acquired land was given by Chandbee Shaikh by dan patra to the trust. Except trust, no other person appeared in the matter claiming compensation of the acquired land. Even the respondent remain absent. Therefore I answer point nos. 2 to 4 in the affirmative.

**AS TO POINT NO.5 :-**

15. In view of the evidence of president of the trust, trust is entitled to receive compensation amount of Rs.91,633/- even the president of the trust gave bandhpatra before Special Land Acquisition Officer stating therein that trust is the only authorized to get compensation, in case if anyone claimed this amount in future , then without any delay trust will repay this amount. This shows that trust came with clean hand to claim compensation. Therefore I answer this point in the affirmative and for point no.6 pass following order.

**ORDER**

1 Civil MA No.96/2024 is allowed as follows.

- 2 Amount of compensation of Rs.91,663/- deposited in the court of Civil Judge Senior Division , Omerga by cheque no.621125 be paid to the Ittehadul Muslim Samaj Charitable Trust, Turori.

Delivered and pronounced in open court.

Date. 16/05/2026

(Smt.K.M.F.Khan)  
Adhoc Dist.Judge-1,Omerga

**CERTIFICATE**

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

As per order of Hon'ble High Court in Letter No.RG/1611/67/2026, dated 4<sup>th</sup> April 2026, District Court Osmanabad O.No.W/4650/2026 , dated 4/4/2026, all the judgments and orders, in all the matters wherein dictation is given, copy of judgment and order should bear endorsement as under-

Name of the stenographer	N.H. Deshmukh, Stenographer Grade 1
Name of Court	Additional Sessions Court Omerga.
Judgment/order dictation given by PO	16.5.2026
Judgment/order typed by stenographer	16.5.2026
Judgment /order given by stenographer to PO for correction	16.5.2026
Judgment/order corrected copy given by PO to stenographer	16.5.2026
Final print of judgment/order given by stenographer to PO for signature	16.5.2026
Date of uploading	16.5.2026
Holiday	-