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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

FIRST APPEAL NO.103/2001

City and Industrial Development
Corporation of Maharashtra Ltd.,
Through its Administrator, CIDCO,
New Aurangabad.

...Appellant..

Versus

1] Mohammed Ishaq s/o Mohammed Osman,
age major, occu.business,
r/o Satara Tq. & Dist.Aurangabad.

2] The State of Maharashtra,
Through the Collector, Aurangabad.

...Respondents...

.....

Shri A.S. Bajaj, Advocate for appellant.

Respondent no.1 served by paper publication.

Shri S.G. Sangle, AGP for respondent no.2.

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CORAM: M.T. JOSHI, J.

DATE: 05.03.2015

ORDER :

1] Heard learned counsel for the appellant and the
learned AGP for the respondent no.2. None present for
the respondent no.1 though duly served.

2] Advocate Shri A.S. Bajaj has filed on record the
certified copy of the judgment dated 8.8.2003 passed by

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Division Bench of this Court in First Appeal No.347/1993 and connected group of appeals. The copy is accepted and marked as Exhibit X for the purpose of identification. The reading of the said judgment as well as the record and proceedings would show that the present appeal has also arisen out of the same award. The Division Bench of this Court has come to the conclusion that the award of the Land Acquisition officer represents the true market value while the award of the Reference Court was set aside. In the circumstances, following order is passed.

3] The appeal is hereby allowed without any order as to costs. The impugned award passed by the Reference Court is hereby quashed and set aside and the compensation granted by the Land Acquisition Officer at the rate of Rs.1,35,000/- per Hectare vide his award dated 14.12.1988 is hereby confirmed. The amount, if any, deposited in this Court, be refunded to the appellant with accrued interest thereon.

(M.T. JOSHI, J.)