

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**FIRST APPEAL NO. 541 OF 2003**

Nandkishor s/o Dwarkadas Soni,  
Age : 28 years, Occu. : Agril.,  
R/o Masalga, Tq. Nilanga,  
District : Latur .. Appellant

**Versus**

The State of Maharashtra  
Through the Collector, Latur. .. Respondent

Shri S. P. Tiwari, Advocate h/f Shri V. B. Madan, Advocate for  
the Appellant.

Shri S. M. Jadhav, A.G.P. for the Respondent/State.

**CORAM : S. V. GANGAPURWALA, J.**

**DATE : 06TH OCTOBER, 2015.**

**ORAL JUDGMENT :-**

. The land Sy. No. 40/1 owned by the present appellant is acquired. The appellant filed reference U/Sec. 18 of the Land Acquisition Act (for short "L. A. Act"). The same is partly allowed. The present appeal is filed for further enhancement.

2. The learned counsel for the appellant submits that, the notification U/Sec. 4 of the L. A. Act is issued on 08.01.1984. The Reference Court has awarded compensation at the rate of Rs. 18,000/- per acre. However, in other two companion matters

compensation is awarded at the rate of Rs. 22,000/- per acre. The learned counsel submits that, the land of the present appellant that is acquired land, there is existence of pipeline which shows that the land is Bagayat land. The learned counsel submits that, earlier also part of the land of present appellant was acquired for the same project vide notification U/Sec. 4 of the L. A. Act dated 13.02.1982. The present appellant had filed L.A.R. No. 356 of 1988. In the said case the Reference Court had awarded compensation at the rate of Rs. 24,000/- per acre for the dry land and Rs. 30,000/- per acre for the Bagayat land. The learned counsel submits that the appellant is entitled for compensation at the rate of Rs. 30,000/- per acre.

3. The learned Assistant Government Pleader submits that, only 10 Guntha land is irrigated land and rest of the land is non irrigated land. The Court has considered the said aspect. According to the learned A. G. P. Reference Court considered the land of the appellant as dry land and has rightly relied on sale instance Exhibit 23.

4. I have considered the submissions and have also gone through record, so also the judgment. It is submitted by the learned counsel for the appellant that the judgment and award delivered by the Reference Court in L.A.R. No. 356 of 1988 and L.A.R. No. 367 of 1988 has become final.

5. The land acquired in the present reference is for Masalga Medium Project. The same is acquired vide notification U/Sec. 4 of the L. A. Act of January 1984. I have gone through the judgment delivered in earlier reference bearing L.A.R. No. 356 of 1988, wherein land was acquired vide notification dated 13.02.1982, in which for dry land compensation awarded was at the rate of Rs. 24,000/- per acre. The present land acquired is part of same land. In the present reference naturally the same amount of compensation is atleast required to be awarded as per the judgment of the Apex Court in the case of **Salaha Begum, ETC Vs. Special Land Acquisition Officer** reported in ***2013 (1) All M. R. 466 (S.C.)***.

6. In the light of the above, the impugned judgment and award is modified. The respondents shall pay compensation to the claimant/appellant of the acquired land at the rate of Rs. 24,000/- per acre. The other statutory benefits awarded by the Reference Court are maintained and upheld. The first appeal accordingly is partly allowed. No costs.

**Sd/-**

**[ S. V. GANGAPURWALA, J. ]**

bsb/Oct. 15

Authenticate Copy

(Bhalchandra S. Bodke)  
P. A. to Hon'ble Judge