

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

FIRST APPEAL NO. 2415 OF 2012

Vasant Vishwanath Dhopare,
Age : 52 Years, Occu. : Agril.,
R/o Umardara, Tq. Shirur Anantpal,
Dist. Latur. .. Appellant

Versus

1. The State of Maharashtra,
Through the Collector,
Latur, Tq. & Dist. Latur.
2. The Special Land Acquisition Officer,
P.T. & I.T., Latur,
Tq. & Dist. Latur.
3. The Executive Engineer,
Minor Irrigation Local Sector,
Latur, Tq. & Dist. Latur. .. Respondents

Ms. Madhweshwari D. Thube-Mhase, Advocate for the Appellant.
Shri G. R. Ingole Patil, A.G.P. for Respondent Nos. 1 and 2.
The Respondent No. 3 is served.

CORAM : S. V. GANGAPURWALA, J.

DATE : 25TH AUGUST, 2015.

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. Mrs. Mhase, the learned counsel for the appellant submits that, this Court has already decided the quantum of compensation for Bagayat land in respect of land acquired vide

notification U/Sec. 4 of the Land Acquisition Act (for short "L.A. Act") dated 20.07.2003 in First Appeal No. 2416 of 2012 vide judgment and order dated 09.12.2013. The learned counsel submits that, in the present case also the notification U/Sec. 4 of the L. A. Act is the same. The land is also acquired for the same project and is also situated in the same area. According to the learned counsel, in this case also land is Bagayat land. The crops like sugar cane and paddy were being cultivated.

2. Mr. Ingole, the learned Assistant Government Pleader submits that, the learned Reference Court after going through the evidence has rightly considered the lands as seasonal bagayat lands and has rightly awarded the compensation.

3. I have gone through the judgment and the record and proceedings. The 7/12 extract also shows that the appellant was cultivating the crops like sugar cane and paddy which are in Bagayat land only.

4. In First Appeal No. 2416 of 2012, this Court had occasion to consider the compensation in respect of Bagayat land acquired vide the same notification U/Sec. 4 of the L. A. Act dated 20.07.2003 and in respect of same project, wherein this Court had awarded compensation at the rate of Rs. 2000/- per R for Bagayat land.

5. In the light of the above, I follow the same recourse. Instead of compensation at the rate of Rs. 1,065/- per R, it is held that the appellant is entitled for the compensation for the acquired land at the rate of Rs. 2,000/- per R. The respondents shall pay the compensation amount to the appellant at the rate of Rs. 2,000/- per R for the acquired land. Rest of the 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/Aug. 15