

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
FIRST APPEAL NO.57 OF 2013

Sitaram Bajirao Tambe,
Age 60 years, occ. agri.,
r/o. Georai Gungi,
Tq. Sillod, Dist.Aurangabad ..Appellant

Versus

- 1] The State of Maharashtra
through the Special Land
Acquisition Officer,
Jaikwadi Prakalp No.II,
Collector Office,
Aurangabad
- 2] The Exexutive Engineer,
Minor Irrigation (Local
Sector) Aurangabad ..Respondents

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Mr.N.J.Pahune-Patil, advocate for appellant

Mr.S.M.Jadhav, AGP for respondents - State

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CORAM : M.T. JOSHI, J.

DATE : MARCH 10, 2015

ORAL JUDGMENT :

Heard both sides.

2] The arguments from both the sides would show
that learned reference court came to the

conclusion that the true market price of the acquired land would be at the rate of Rs.1,208/- per Are. The other land owner, who has filed reference application no.78 of 2003, has claimed Rs.1,500/- per Are. Accordingly, he was awarded the compensation at the rate of Rs.1,208/- per Are. However, so far as present appellant is concerned, as he claimed compensation at Rs.1,000/- per Are, the learned reference court in view of the ratio laid down in ***Ujjain Vikas Pradhikaran Vs. Tarachand, AIR 1996 SC 2777***, held that he cannot be awarded the compensation beyond the claimed by him. Therefore, present appellant was awarded compensation at the rate of Rs.1,000/- per Are.

3] Learned counsel for the appellant submits that in the appeal, amendment application was moved and the same was allowed for enhancement of the claim. He relies upon the ratio laid down in the case of

Ambya Kalya Mhatre Vs. State of Maharashtra,
2012(1) Mh.L.J. 9 (s.c.) wherein, it has been held that even the compensation beyond the claim of the claimant, can be awarded by directing the claimant to pay the court fees on the additional compensation amount.

4] In the circumstances, considering the material on record, present First Appeal is allowed without any order as to costs. The respondents are directed to pay total compensation at the rate of Rs.1,208/- per Are to the present appellant, with statutory interest and component, as per the Land Acquisition Act.

[M.T. JOSHI, J.]