

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FIRST APPEAL NO.164 OF 2014

Amol S./o Ashokrao Ajmire

-vs-

The Exe. Engineer, Bembla Project Division, Yawatmal & Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. B. Nakshane, Advocate for appellant.

Shri S. G. Jagtap, Advocate a/w Shri S. S. Godbole, Advocate for
respondent No.1.

Shri M. M. Ekaray, AGP for respondent Nos.2 and 3.

CORAM : A.S.CHANDURKAR, J.

DATE : AUGUST 19, 2015

Considering the limited controversy involved, the appeal is taken up for final hearing.

The appellant seeks enhancement in the amount of compensation awarded by the Reference Court under Section 18 of the Land Acquisition Act, 1894 for acquisition of land admeasuring 2H 97 R situated at Mouja Fattepur Tal. Babhulgaon, Dist. Yawatmal. The Reference Court enhanced the amount of compensation to Rs.1,25,000/- per hectare. On behalf of the appellant it is submitted by his learned counsel that various appeals arising out of the Notification dated 31/12/1998 issued under Section 4 of the said Act were decided on 26/07/2012 and compensation @ Rs.1,35,000/- per hectare with all other statutory benefits was granted. This order was passed in F.A.No.1263/2009 with connected matters. It is therefore submitted that similar enhancement be granted to the appellant.

Shri S. G. Jagtap learned counsel along with Shri S. S. Godbole learned counsel for respondent No.1 and Shri M. N. Ekaray, learned Assistant Government Pleader for respondent Nos.2 and 3 do not dispute the fact that in the connected appeals such enhancement was granted and that the Notification dated 31/12/1998 as well as Award dated 22/02/2002 were also the subject matter of F.A.No.1263/2009 with connected appeals.

Hence, the appellant would also be entitled for enhancement in the same manner.

In view of aforesaid, following order is passed :

In terms of the judgment dated 26/07/2012 and for reasons assigned in F.A.No.1263/2009 and connected appeals, the appellant is held entitled for compensation @ Rs.1,35,000/- per hectare with all statutory benefits. The Award passed by the Reference Court in L.A.C.No.542/2006 stands partly modified to aforesaid extent.

Appeal is allowed in aforesaid terms. No order as to costs.

JUDGE