

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

FIRST APPEAL NO.1061/2014

Nitin s/o Babanrao Dehankar

..Versus..

The State of Maharashtra, through the Collector, Yavatmal and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 20.2.2015

Heard Shri S.V. Ingole, the learned advocate for the appellant,

Shri S.S. Godbole, the learned advocate for the respondent no.2 and

Ms. B.P. Maldhure, the learned A.G.P. for the respondents 1 and 3.

The learned advocates for the respective parties submit that

the subject matter is covered by the judgment passed by this Court in

First Appeal No.1263/2009 and other connected matters on 26th July,

2012.

The agricultural land admeasuring 2 H 02 R owned by the appellant came to be acquired in the proceedings pursuant to the notification published under Section 4 of the Land Acquisition Act, 1894 on 31st December, 1998. The award was made on 22nd February, 2002. The land Acquisition Officer had granted compensation at the rate of Rs.51,577/- per hector along with other statutory benefits. The appellant - land owner being dissatisfied with the amount of compensation had filed reference under Section 18 of the Land Acquisition Act, 1894 claiming compensation at the rate of Rs.2,00,000/- per hector. The reference Court by the impugned order granted compensation at the rate of Rs.1,20,000/- per hector. The appellant - landlord has filed this appeal seeking modification of the order passed by the Reference Court and claiming enhanced amount of compensation at the rate of Rs.1,40,000/- per hector. This Court by the judgment given in First Appeal No.1263/2009 and other connected matters on 26th July, 2012 has concluded that the land owners were entitled for compensation at the rate of Rs.1,35,000/- per hector. The

learned advocates for the respective parties submit that the land of the present appellant and the lands which were the subject matter of acquisition in which cases the judgment is passed in First Appeal No.1263/2009 and other connected matters were acquired by the same notification and are of the same village and are similar in all respects. Accepting the submissions made on behalf of the respective parties, it is held that the appellant is entitled for compensation at the rate of Rs.1,35,000/- per hector along with other statutory benefits.

The appeal was filed by the appellant after the prescribed period of limitation. While condoning the delay, this Court has recorded in the order passed on 13th August, 2014 the willingness of the appellant to give up the interest on the amount for which he is held entitled for the period from 30th December, 2008 till 13th August, 2014. The amount of interest shall be calculated accordingly and the appellant will not be entitled for the interest on the enhanced amount of compensation for the period from 30th December, 2008 till 13th August,

2014.

The order passed by the Reference Court is modified in the above terms. The appeal is allowed accordingly. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.