

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

CIVIL APPLICATION (CAO) NO.1250 OF 2015
IN
FIRST APPEAL NO.908 OF 2014

Shamrao s/o Yadav Sakhare
-vs-
The State of Maharashtra & Ors.

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

Court's or Judge's Orders.

Shri S. V. Ingole, Advocate for appellant.
Shri M. A. Kadu, AGP for respondent Nos.1 & 2.
Shri A. B. Patil, Advocate for respondent No.3.

CORAM : A.S.CHANDURKAR, J.
DATE : October 30, 2015

The prayer for modification is not opposed by Shri S. V. Ingole, learned counsel for the appellant on the ground that in similar matters, the entitlement to interest has been denied.

In view of aforesaid, the order dated 04/08/2014 is modified to the extent that in case amount of compensation is enhanced, the appellant would not be entitled for interest on said amount for the period of from 22/10/2007 till 04/08/2014. Application is disposed of.

F.A.No.908 of 2014 with C.A.No.1543 of 2015

The appellant has moved the present application seeking disposal of the first appeal on the ground that in appeals relating to adjoining lands, this Court has granted compensation @ Rs.1,70,200/- per hectare. Hence the appeal is admitted and taken up for hearing. Learned

Assistant Government Pleader waives notice on behalf of respondent Nos.1 and 2. Shri A. B. Patil, learned counsel waives notice on behalf of respondent No.3.

Perused judgment dated 06/05/2011 in F.A. No.1016 of 2010 and connected appeals. It is not in dispute that aforesaid appeals arising out of lands situated in the same village and acquired for the same project were decided and compensation was enhanced to Rs.1,70,200/- per hectare. Subject matter of present appeal is also identical.

Hence for the reasons assigned in the judgment dated 06/05/2011 in F.A.No.1016 of 2010 and connected appeals, the following order is passed :

- i) The judgment of Reference Court in L.A.C. No.38 of 2003 is partly modified. It is held that the appellant is entitled for compensation @ Rs.1,70,200/- per hectare with interest @ 9% p.a. for period of one year from the date of the award and thereafter @ 15% p.a. as per the provisions of said Act. The amount of enhanced compensation with interest be deposited in this Court within period of twelve weeks from today after which same can be withdrawn by the appellant.
- ii) The appeal is partly allowed in aforesaid terms with no order as to costs.

JUDGE