

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.282 OF 2001

1. Ramchandra s/o Deorao Harale,
Aged-60 years, Occu: Agri.,
Died, through L.Rs.
 - 1/1. Balaji s/o. Ramchandra Harale,
Aged-40 years,
 - 1/2. Vijaykumar s/o Ramchandra Harale,
Aged-34 years,
 - 1/3. Ratanbai w/o. Ramchandra Harale,
Aged-60 years,
 - 1/4. Kamalbai d/o. Ramchandra Harale,
Aged-19 years,
 - 1/5. Rajeshwar s/o. Ramchandra Harale,
Aged-21 years,
- All Occu: Agriculture &
R/o Kabnoor, Taluka - Mukhed,
District - Nanded.
2. Vijaykumar s/o. Ramchandra Harale,
age, occu, resident as above.

.. APPELLANTS
(ORI.CLAIMANTS)

VERSUS

1. The State of Maharashtra,
through the Collector,
Nanded.
2. The Special Land Acquisition
Officer, M.I.W., Nanded.

.. RESPONDENTS

...

Mr.G.J.Karne, Advocate for Appellants;

Mr.N.T.Bhagat, AGP for Respondents.

CORAM : P.R.BORA, J.

DATE : 13th April,2016.

ORAL JUDGMENT:

1) Heard the learned Counsel for respective parties.

2) Original claimant has filed the present appeal seeking enhancement in the amount of compensation awarded by the Reference Court in LAR No.5/1997.

3) The learned Counsel for appellant submitted that in First Appeal No.606/1994 with connected appeals, arising out of the Awards passed in Land Acquisition References, arising out of the same Jamkhed Medium Project, for which, the land, which is the subject matter in the present appeal, was acquired, this court has granted an amount of compensation @ Rs.25,000/- per hectare with solatium @ 30%; the statutory

benefits and interest as per the law. The learned Counsel submitted that though the land which is the subject matter in the present appeal, is from village Kabnoor, Tq. Mukhed, it was acquired for the same Jamkhed Medium Project. The learned counsel submitted that the land, which was the subject matter in First Appeal No. 606/1994 with connected appeals, the lands were of village Tupdal, Tq. Mukhed. The learned counsel submitted that the lands of village Kabnoor and the land of village Tupdal are similar in quality and fertility and having same plus and minus factors. In the circumstances, the learned Counsel for the appellants prayed for enhancing the amount of compensation to the extent as has been granted by this court in First Appeal No.606/1994 and other connected appeals.

4) The learned AGP has conceded to the facts stated by the learned Counsel, as aforesaid. A copy of the Judgment and Order passed by this Court in FA No.606/1994 with connected matters,

is placed on record.

5) In the present matter, land admeasuring 5 hectares and 59 R. belonging to the appellant/claimant was acquired for Jamkhed Tank Medium Project. Section 4 Notification of the Land Acquisition Act, 1894 (for short the said Act) was issued on 19th April, 1984. Special Land Acquisition Officer has passed an Award under Section 11 of the Act on 13th September 1998. The Special Land Acquisition Officer has taken into consideration the price of the lands under acquisition @ Rs.6,000/- per acre. The present appellant had claimed enhancement by filing a Reference, seeking 15,000/- per acre. The Reference Court, after considering the sale-instances brought on record, determined compensation @ Rs.22,000/- per hectare. While deciding First Appeal No.606/1994 with connected matters, this Court has enhanced the compensation to the tune of Rs.25,000/- per hectare. After having compared the land under acquisition in the

present matter with the land which was the subject matter of First Appeal No.606/1994 and other connected matters, it appears to me that same criterion can be applied for this land also.

6) For the reasons assigned by this Court while deciding FA No.606/1994 with connected matters, I hold the present appellant/claimant entitled to get the value of his acquired land @ Rs.25,000/- per hectare. Hence, the following order, -

ORDER

i) The respondent/State is directed to pay to the present appellants the enhanced compensation at the rate of Rs.3,000/- per hectare in addition to the compensation already determined by the Reference Court at the rate of Rs. 22,000/- per hectare with all statutory benefits and interest as per the law;

ii) The appeal is partly allowed in the aforesaid terms.

(P.R.BORA)
JUDGE

bdv/