

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 564 OF 2016

BABURAO KASHINATH KAKADE AND ANOTHER
VERSUS
THE COLLECTOR AURANGABAD THROUGH SPECIAL
LAND ACQUISITION OFFICER AND ANOTHER

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Advocate for Appellants : Mr S K Adkine
Advocate for Respondent 2 : Mr D B Pawar

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CORAM : V.K. JADHAV, J.

Dated: April 04, 2016

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PER COURT :-

1. Being aggrieved by the Judgment and Award passed by the 5th Jt. Civil Judge S.D., Aurangabad in L.A.R.No. 286 of 2002, the original claimants have preferred this appeal to the extent of rate awarded by the Reference Court.

2. The learned counsel for the appellants-original claimants submits that, in the First Appeal arises out of the same award and the Reference decided by the learned 5th Jt. Civil Judge S.D. Aurangabad, the respondent-acquiring body has agreed to pay the compensation @ Rs.1100/- per Aar alongwith all consequential benefits before the Lok Adalat held on

13.12.2014. The learned counsel for the appellants-original claimants have produced the settlement arrived at between the appellants/original claimants therein and the Acquiring body.

3. The learned counsel for respondent no.2-the Acquiring Body submits that, in the said First Appeal, settlement is arrived at between the appellants-original claimants at one hand and the acquiring body at the another hand. Learned counsel submits that, the land under acquisition in the said appeal is from the same award and from the same village Pimpalgaon, Tq. Phulambri District Aurangabad. Learned counsel submits that, respondent no.2 Acquiring body has no objection if the same rate of compensation is awarded in the present appeal.

4. On careful perusal of the compromise arrived at between the parties before the Lok Adalat in First Appeal Nos.1860/2010, 4287/2008 and 1135/2008, it appears that, in the said case, Land Acquisition Officer has awarded Rs.425 to 460/- in respect of the different

lands at village Pimpalgaon and acquiring body has settled the matter in double of the amount awarded by the Land Acquisition Officer. Consequently, the Acquiring Body has offered rate of Rs.1100/- per Aar which is agreed by the appellants/original claimants therein. Accordingly award was modified and respondent Acquiring Body in the said appeal is directed to pay compensation @ Rs.1100/- alongwith all consequential benefits like solatium, component, interest etc., permissible under the law.

5. In view of this, I proceed to pass the following order.

ORDER

- I. The Judgment and Award dated 31.1.2009 passed by the 5th Jt. Civil Judge S.D, Aurangabad in L.A.R. No.286 of 2002 is hereby modified in the following manner :-

The Respondents shall pay the compensation @ Rs.1100/- (Rs. One Thousand One Hundred) per Aar for the acquired land of the claimants alongwith all consequential benefits like solatium, component, interest etc., as permissible under law.

II. Award be prepared accordingly.

III. Appeal is accordingly disposed of.

(V.K. JADHAV, J.)

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aaa/-