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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.690/2016

Shravan Kadu Bhoi,
age 59 yrs., occu.agri.,
r/o village Purnad
Tq.Mukatainagar Dist.Jalgaon.
...Petitioner..

Versus

- 1] The State of Maharashtra,
through Secretary,
Irrigation Department,
Mantralaya, Mumbai.
- 2] The Collector, Jalgaon.
Dist.Jalgaon.
- 3] Special Land Acquisition Officer and
Sub-Divisional Officer,
Division Bhusawal Dist.Jalgaon.
- 4] Executive Engineer,
Sardar Sarovar Project,
Division Jalgaon, Jalgaon.
...Respondents...

.....

Shri A.B. Kale, Advocate for petitioner.
Shri V.M. Kagne, AGP for respondent nos.1 to 3.
Smt.Chaitali Kutti – Choudhary, Advocate for respondent
no.4.

.....

**CORAM: R.M. BORDE &
K.L. WADANE, JJ.**

DATE: 21.07.2016

ORAL JUDGMENT (Per Borde, J.):

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1] Heard learned counsel for the parties. Rule. Rule made returnable forthwith and with the consent of learned counsel for the parties, the petition is taken for final hearing at the stage of admission.

2] The petitioner is objecting to the award passed on 11.9.2014 by the respondent no.3 determining the amount of compensation in respect of the acquired land. The petitioner contends that the First Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, contains a component of compensation package in respect of the land acquired under the said Act and the manner of determination of value thereof. Entries 2 and 3 of the First Schedule prescribe the multiplier factor, which is required to be applied for determination of amount of land value. So far as the lands situated in rural area are concerned, the State shall have to accord compensation by application of Factor 2. In the instant matter, the Land Acquisition Officer has determined the amount of land value at the rate of Rs.360/- per sq.meter, but has not applied the multiplier factor prescribed under First Schedule of the Land Acquisition

Act.

3] A notification issued by the State of Maharashtra prescribes multiplier Factor 2 applicable to the rural areas and as such it was obligatory on the part of the Land Acquisition Officer to determine the amount of compensation by application of relevant multiplier factor and compute the amount of compensation and pay the same to the petitioner. This legal objection has not been seriously controverted by the respondents.

4] In this view of the matter, the award passed by the Land Acquisition Officer deserves to be set aside only to the extent of determination of amount of compensation. The respondent nos.2 and 3 are, therefore, directed to determine the amount of compensation by application of multiplier Factor 2 contained in First Schedule at Entry Nos.2 and 3 of the Land Acquisition Act and as notified by the State Government on 26.5.2015. The respondent nos.2 and 3 shall re-determine the amount of compensation by taking into consideration the relevant multiplier Factor 2 as prescribed under the notification as expeditiously as possible and preferably within a period of eight weeks from today. On re-determination of the

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land value in observance of the directions of this Court,
the respondent no.4 shall pay the amount so determined
within a period of eight weeks from such determination.

5] Rule is accordingly made absolute. There shall be
no order as to costs.

(K.L. WADANE, J.)

(R.M. BORDE, J.)