

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 116 OF 2007

DATTATRAYA AMBADAS KHADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOHTER

...

Advocate for Appellants : Mr. Shrikrishna S. Shinde
AGP for State/authority: Mr. A.M. Phule
Advocate for Respondent-claimants : Mr. S.G. Sangle

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CORAM : V. K. JADHAV, J.
DATED : 2nd AUGUST, 2017

PER COURT:-

1. Learned counsel for the appellant-claimant submits that this Court by judgment and order dated 26.4.2017 in first appeal No. 993 of 2011 and other connected appeals as well as the cross objection (St.) No.10782 of 2012 and other connected cross objections, preferred in the said respective first appeals, arise out of same notification and the acquisition proceeding, dismissed the appeals preferred by the acquiring body and partly allowed the cross objections filed by the claimants. The present appeal is filed by the original claimant.

2. Learned A.G.P. for the respondent State as well as the learned counsel for respondent acquiring body fairly concede this position. In view of above and for the reasons stated in the judgment and order dated 26.4.2017, passed by this Court, in first appeal No. 993 of 2011

and other connected appeals as well as the cross objection (St.) No.10782 of 2012 and other cross objections, preferred in the said respective first appeals, this appeal, preferred by the original claimant, is required to be allowed partly, as there is no reason to take any other view than the view taken earlier as aforesaid. Hence, I proceed to pass the following order:-

O R D E R

- I. The first appeal is hereby partly allowed with proportionate costs.
- II. The judgment and award dated 17.8.2006 passed by the Reference court in L.A.R. No. 49 of 1995 is hereby modified in the manner that the appellant-claimant is entitled for the compensation for the acquired land at the enhanced rate of Rs.72,000/- (Rupees seventy two thousand) per acre with all statutory benefits as awarded by the reference court.
- III. Award be drawn up as per the above modification.
- IV. First appeal is disposed of.
- V. The appellant-claimant shall pay the deficit court fees, if any, within four weeks from today.

(V. K. JADHAV, J.)