

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

**CIVIL APPLICATION NO. 15359 OF 2016
IN
FIRST APPEAL NO. 2956 OF 2013**

Mangal Digambarrao Udgirkar .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri C. R. Bharaswadkar, Advocate for the Applicant.
Shri S. W. Mundhe, A.G.P. for Respondent Nos. 1 and 2.
Shri K. B. Jadhavar, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 08TH SEPTEMBER, 2017.**

FINAL ORDER :

. Mr. Bharaswadkar, the learned counsel for the applicant submits that, while deciding the First Appeal No. 2959 of 2013, this Court had observed that, the claimant would be entitled for compensation for the acquired land at the rate of 20% more than that granted by the Special Land Acquisition Officer. As per the award passed by the Special Land Acquisition Officer (for short "S.L.A.O."), the S.L.A.O. had granted compensation at the rate of Rs. 1,05,600/- per hectore. The appellant's land is in Group - D and the compensation awarded by the S. L. O. A. is at the rate of Rs. 1,05,600/-. This Court considered the award and granted

compensation at the rate of 20% more than that awarded by the S. L. A. O. However, while passing the order in first appeal wrongly it has been considered that S.L.A.O. awarded compensation at the rate of Rs. 90,000/- per hector, when same ought to be at the rate of Rs. 1,05,600/- per hector and 20% more than of Rs. 1,05,600/- comes to Rs. 1,25,166/- per hector.

2. The learned Assistant Government Pleader and the learned counsel for the acquiring body support the order passed in first appeal and submit that, there is no error apparent on the face of record to modify the said order.

3. I have considered the submissions. I have also gone through the certified copy of award passed by the S.L.A.O., wherein for the valuation of the land in Group D it was considered that the market value of the land is Rs. 1,05,600/- per hector and I had observed that 20% more compensation amount is required to be awarded than awarded by the S.L.A.O.

4. It appears that, there was an error to consider the amount of compensation awarded by the S. L. A. O., instead of considering it at Rs. 1,05,600/- per hector, I had considered it at Rs. 90,000/- per hector. On going through the award passed by the S. L. A. O. an error appears to be on face of record.

5. In the light of the above, the order dated 31.08.2015 in First Appeal No. 2956 of 2013 is modified as under :

6. In para No. 7 instead of the amount Rs. 90,000/-, the same is substituted by the amount Rs. 1,25,166/- and instead of the amount Rs. 75,000/- as stated in para No. 7, the same is required to be modified as Rs. 1,05,600/-. In para 8 (a) of the said order instead of Rs. 90,000/-, same is modified and substituted as Rs. 1,25,166/-. Save and except aforesaid modification, rest of the order is maintained as it is. The civil application accordingly is allowed and disposed of.

[S. V. GANGAPURWALA, J.]

bsb/Sept. 17