

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO.3496 OF 2016
IN
FIRST APPEAL ST. NO.9435 OF 2016

Balaji Deosthan, Talegaon, Thr. Its President Radheshyamji Shrinarayaji Loya

-vs-

The State of Maharashtra, Thr. The Collector, Yavatmal and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S. V. Ingole, Advocate h/f Shri D. G. Patil, Advocate for applicant/appellant.
Shri M. A. Kadu, AGP for respondent Nos.1 and 3.

CORAM : DR (SMT) SHALINI PHANSALKAR-JOSHI, J.
DATE : JUNE 23, 2017

Heard learned counsel for parties.

Considering reasons mentioned in the application,
the delay in preferring the first appeal stands condoned
subject to claimant not being entitled for interest on the
amount of compensation if enhanced for the period from
19/04/2006 till 22/04/2016.

Civil application is allowed and disposed of.

First Appeal St. No.9435 of 2016

Heard.

Admit.

Learned Assistant Government Pleader waives notice
on behalf of respondent Nos.1 and 3.

It is pointed out by learned counsel for the appellant
that in respect of the lands acquired under the same
notification dated 31/12/1998 and under the same

award of Special Land Acquisition Officer dated 22/02/2002, this Court in F.A. No.1263 of 2009 with connected appeals vide its judgment and order dated 26/07/2012 has enhanced the compensation to the tune of Rs.1,35,000/- per hectare alongwith all statutory benefits.

In view thereof this appeal deserves to be allowed. Accordingly the compensation amount is enhanced @ Rs.1,35,000/- per hectare from the rate of Rs.70,000/- per hectare as awarded by the Reference Court. To that extent the judgment and order of Reference Court dated 19/04/2006 is modified.

In view of order passed in C.A.No.3496 of 2016, the appellant would not be entitled for interest on the enhanced amount of compensation for the period from 19/04/2006 till 22/04/2016.

Appeal is disposed of in above terms. No order as to costs.

JUDGE