

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 23 OF 2003

Pandit s/o Tatyaro Bhapkar
age 55 years, occ. agriculture
r/o Bhosa, TQ. Dist. Latur

Appellant

Versus

1. The State of Maharashtra
through the Collector,
Latur.
2. The Executive Engineer,
Minor Irrigation, Zilla Parishad,
Latur.

Respondents

Mr. A.M. Phule, AGP for respondents.

CORAM : M.S. SONAK, J.
DATE : 5th JANUARY, 2018

JUDGMENT :

1. None for appellant. Learned AGP Mr. Phule appears for respondents.
2. The issue involved in this appeal is identical to the issue involved in First Appeal No. 22/2003, which is disposed of today, by separate judgment and order. Accordingly, for the reasons set out in the said judgment and order, this appeal is partly allowed.
3. The impugned award is accordingly modified. Compensation is now directed to be determined at the rate of Rs.65,000/- per Hectare instead of Rs.50,000/- per Hectare. In respect of other

aspects, the impugned award is left undisturbed. Needless to add that the appellant will be entitled not only to the enhanced compensation at the rate of Rs.65,000/- per Hectare but also all consequential benefits arising therefrom.

4. Respondent are directed to deposit the difference between compensation awarded by the reference Court and the compensation now determined, within a period of three months from today. This is on the basis that respondents have already paid compensation as awarded by the reference Court. If, the same has not been paid, respondents are directed to deposit the same within three months from today. Upon such deposit, appellant shall be at liberty to withdraw the same.

5. Appeal is allowed to the aforesaid extent. There shall be no order as to costs.

(M.S. SONAK, J.)