

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**FIRST APPEAL (ST) NO.8632/2006
WITH
CIVIL APPLICATIONS NOS.4405/2006 AND
10625/2006**

The State of Maharashtra & another.
...Appellants..

Versus

Shenphadu Ramji Bhoi, died,
through L.Rs. & others.
...Respondents...

.....

Shri A.M. Phule, AGP for appellants.
Shri P.N. Kutti, Advocate for respondent nos.2(III).
Respondent nos.1.2(I) and 2(II) served.

.....

CORAM: M.S. SONAK, J.

DATE: 12.02.2018

ORDER :

1] Learned AGP submits that the L.Rs. of respondent no.2C are already on record. If this be so, there is no necessity for taking any further steps except to file a Purshis. The learned AGP submits that such a Purshis will be filed within four weeks from today.

2] As regards Civil Application No.4405/2006 for condonation of delay, for the reasons set out in the

application, delay of 271 days in instituting the appeal is hereby condoned. This is because sufficient cause has been made out to explain the delay. The civil application for condonation of delay is accordingly disposed of.

3] Upon condonation of delay, the appeal itself is taken up for final disposal since the issue raised in this appeal is covered by the judgment and order dated 5.1.2009 made by the Division Bench in the case of *The Special Land Acquisition Officer (III), Jalgaon & another v. Bhagwat Vithal Sonwane (2009 (4) Mh.L.J., 308)*.

4] There is no dispute that this appeal arises out of acquisition of land for the Waghur Project. IN respect of the Waghur Project, the Division Bench has already determined the compensation at the rate of Rs.2,00,000/- per Hectare for Jirayat land and Rs.1,00,000/- per Hectare for Pot Kharab land.

5] The present appeal is against the judgment and award made by the Reference Court, which has granted compensation of only Rs.1,80,000/- per Hectare in respect of Jirayat land and Rs.90,000/- per Hectare in respect of Pot Kharab land, which compensation is in fact lesser

than what has been determined by the Division Bench in the aforesaid case.

6] Accordingly, there is no ground made out to entertain this appeal. The appeal is, therefore, dismissed. There shall be no order as to costs.

7] In view of above, Civil Application No.10625/2006 for stay no longer survives and the same is also disposed of.

(M.S. SONAK, J.)