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

FIRST APPEAL NO.991 OF 2012

Laxman s/o Ganaji (Deceased)
Through legal heirs -

- . Sudhakar s/o Laxman Nukkulwad
Age: 32 Yrs., occ. Agril.
r/o Marajwadi, Tq.Mukhed,
District Nanded. **= APPELLANT**
(orig. Claimant)

VERSUS

- 1) The State of Maharashtra
Through the District Collector,
Nanded.
- 2) The Special Land Acquisition Officer,
M.I.W. Krishna Khore, Nanded,
Nanded.
- 3) The Executive Engineer,
Lendi Project Division,
Kodgire Building, Degloor,
Tq.Degloor, Dist.Nanded. **= RESPONDENTS**
(Orig. Respondents)

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Advocate for Appellant : Shri G.N.Chincholkar

AGP for Resp.Nos.1 & 2 – State : Shri A.M.Phule

Advocate for Respondent No.3 : Shri B.R.Surwase

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CORAM : P.R. BORA, J.

DATED : 4th OCTOBER, 2018.

ORAL JUDGMENT

- 1) The land, which is the subject matter of the present appeal, was acquired for Lendi Project. The land involved in this appeal was acquired from

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Village Marajwadi, Tq. Mukhed, Dist.Nanded. The subject land was acquired vide Notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act'), published in the official Gazette on 09.07.1998 and the Award under Section 11 in that regard came to be passed on 25.10.2004.

2) Shri G.N.Chincholkar, learned Counsel appearing for the appellants tendered across the bar, a copy of the Judgment delivered by this Court (Coram: A.V.Nirgude, J.) on 31.08.2016 in First Appeal No.2074 of 2015.

3) The learned Counsel submitted that the present appeal can be disposed of since it is covered by the judgment delivered by this Court on 1st October, 2018 in First Appeal Nos.988/2012 and 989/2012. The material on record reveals that the land involved in the present appeal was acquired for the same project vide the same notification and is from the same village Marajwadi. The learned counsel appearing for the acquiring body as well as learned AGP have not disputed the correctness of the facts as are stated by the learned counsel

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appearing for the appellants. I, therefore, see no difficulty in partly allowing the present appeal for the reasons recorded in the judgment delivered by this Court in First Appeal Nos.988/2012 and 989/2012 on 1st October, 2018. Accordingly, it is allowed in the following terms, -

i. The market value of the acquired land in the present appeal be determined @ Rs.1,25,000/- per hectare for dry land.

ii. The compensation be enhanced accordingly.

iii. The appellant is entitled for the statutory benefits as well as interest as per the provisions of the Act on the enhanced amount of compensation from the date of declaration of the award under Section 11 of the Act till realization of the amount.

(P.R. BORA)
JUDGE

bdv