

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1272 OF 2008

Maharashtra Krishna Valley
Development Corporation

...Appellant

Versus

The Special Land Acquisition
Officer No. 17, Pune & Ors.

...Respondents

.....

Mr.D.D.Shinde for the Appellant.

Mr.Yogesh Dabke, AGP for Respondent Nos. 1 and 2.

.....

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JANUARY 17, 2018**

P.C.:

1. This Appeal is in respect of the land acquired from the Village Salav, Taluka-Bhor for erection of Neera Deoghar Irrigation Dam. The learned Counsel for the appellant produces a common judgment and order dated 29th March, 2017 passed by this Court in group of First Appeals where the lands from Villages Dabkeghar, Salav and

Deoghar, Taluka- Bhore, District –Pune were acquired for the purpose of Neera Deoghar Irrigation Project.

2. This First Appeal is directed against the judgment and order dated 16th July, 2005 passed by the learned 15th Ad-hoc Additional District Judge, Pune in Land Reference No. 554 of 1998.

3. The original claimants i.e. respondent nos. 3a and 3b, who are the legal heirs of respondent no.3, were the land owners of Survey No. 91/5, situated at Village Salav, Taluka- Bhore. The land was acquired by the Government for erection of Neera Deoghar Irrigation Dam under notification dated 21st July, 1994 issued under section 4 of the Land Acquisition Act and the Award was declared on 4th August, 1997. Against the said Award, the original claimants had filed Land Reference No. 554 of 1998 before the Reference Court. The Reference Court allowed the reference by the judgment and order dated 16th July, 2005. The Reference Court has ordered that the claimants are entitled to get compensation at the rate of Rs. 1,14,000/- per hectare from opponent nos. 1 to 3 jointly and severally alongwith other benefits. The appellant i.e. opponent no. 3

challenges this Award on the ground that the amount of compensation granted by the Reference Court is excessive and it is to be set aside.

4. At the time of hearing of this Appeal, the learned Counsel for the appellant and learned AGP have fairly pointed out that this Court by judgment and order dated 29th March, 2017 in group of First Appeals i.e. ***First Appeal No. 1464 of 2005*** in the case of ***The State of Maharashtra & Anr. Versus Dhondiba Dagadu Pawagi & Anr.*** has dealt with the same issue wherein the lands in Village Salav were acquired for the same project. After going the said judgment, it is found that the original claimants have filed First Appeal No. 150 of 2009 for the acquisition of the lands in Village Salav and the High Court has increased the rate of compensation from Rs. 1,14,000/- per hectare to Rs. 1,94,000/- per hectare and also dismissed the First Appeals filed by the appellant i.e. Maharashtra Krishna Valley Development Corporation challenging the amount of compensation in respect of Village Salav. Hence, the same view is required to be taken in the present matter. It appears

that the original claimants have not filed any proceedings before the Court. Hence, First Appeal is dismissed.

(MRIDULA BHATKAR, J.)