

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

FIRST APPEAL (ST.) NO. 550/2011

Maharashtra Industrial Development Corporation,
Having its office at Marol Industrial Estate,
Andheri East, Mumbai and having its Regional
Office at By pass Road, Amravati, Through its
Chief Executive Officer

.... **APPELLANT**

// **VERSUS** //

- 1] Syed Rafique Mohammed Abdul Shafi,
Aged about 40 years, Occ. Service,
- 2] Abdul Haque Mohammed Abdul Shafi,
Aged 37 years, Occ. Agriculture & Business,
- 3] Nadeem Asfaque Mohammed Abdul Shafi,
Aged 35 years, Occ. Cultivator & Business,
- 4] Saheba Parveen Mohammed Abdul Shafi,
Aged 40 years, Occ. Household,

All 1 to 4 are R/o. In front of Mateen Kiran
Stores, Chaprasipura, Amravati

- 5] State of Maharashtra,
Through Collector, Amravati
- 6] Special Land Acquisition Officer,
Sub-Divisional Officer, Amravati

.... **RESPONDENT(S)**

Shri S. Thakre, Adv h/f Shri M.M. Agnihotri, Adv for the appellant
Ms. A.R. Kulkarni, AGP for the respondent nos. 5 and 6

CORAM : Z.A.HAQ, J.
DATED : 04/09/2018

CIVIL APPL. (O) NO. 664/2018 AND M.C.A (ST.) NO. 24411/2017

Accepting the explanation given in the applications, delay of 2429 days in filing the miscellaneous civil application is condoned, the order passed by the learned Registrar (J.) on 01/03/2011 directing dismissal of the appeal for want of prosecution is set aside and the first appeal is restored.

The civil application and the miscellaneous civil application are allowed accordingly. No costs.

CIVIL APPLICATION (CAF) (ST.) NO. 555/2011

Accepting the explanation given in the application, the delay of 141 days in filing the appeal is condoned.

The civil application is allowed accordingly. No costs.

FIRST APPEAL NO. 939/2018**ORAL JUDGMENT :**

1] Taken up for hearing.

2] The learned advocate for the appellant points out that the points which fall for consideration in this appeal are already adjudicated upon by this Court while deciding the F.A. No. 486/2011 on 30/08/2016 (MIDC vs. Jugalkishor S/o Hiralal Bajaj & ors.). It is pointed out that in the

present matter, the Land Acquisition Officer has determined the amount of compensation receivable by the claimants for the acquired land @ Rs. 1,00,000/- per hectare alongwith the statutory benefits. It is pointed out that in the judgment delivered in FA. No. 486/2011, this Court has recorded that the amount of compensation determined by the Land Acquisition Officer in that case @ Rs. 1,00,000/- per hectare was just and proper. There is no dispute that the land in both the cases were comparable and were acquired for the same project.

3] In the above facts, I see no reason to interfere with the impugned award.

4] The appeal is dismissed. No costs.

5] The amount deposited by the appellant and lying with the Reference Court alongwith interest on it, be given to the claimants as per the impugned award.

JUDGE

Ansari