

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

FIRST APPEAL NO.3571 OF 2018

Kerba S/o. Sonba Bhillare
Age : Major, Occu : Agriculture,
R/o. Pandharewadi, Tal. Paranda,
Dist. Osmanabad

.. Appellant

Versus

1. The State of Maharashtra
Through the Collector, Osmanabad,
Dist. Osmanabad
2. The Executive Engineer,
(Medium Project), P.B. No.2, Division,
Osmanabad, Dist. Osmanabad

.. Respondents

...

Advocate for Appellant : Shri Anant R Devakate
AGP for Respondent – State : Shri P.M. Kulkarni
Advocate for Respondent No.2 : Shri Gulab B. Rajale

...

CORAM : P.R. BORA, J.
Dated: February 27, 2019

ORAL JUDGMENT :-

1. When the present appeal is taken up for hearing, the learned Counsel appearing for the appellant tendered across the bar the copy of the Judgment delivered by this Court (Coram : Sunil K. Kotwal, J.) in First Appeal No.3587 of 2017 with connected appeals decided on 11.09.2018. The learned Counsel submitted that, the present appeal is arising out of the same acquisition proceedings. The learned Counsel, in the circumstances,

has prayed for allowing the present appeal for the reasons stated in the said appeal by this Court.

2. Shri Rajale, learned Counsel appearing for respondent no.2 – Acquiring Body does not dispute the correctness of the facts as are stated by the learned Counsel appearing for the appellant. Learned AGP Shri Kulkarni has submitted for passing appropriate orders.

3. It appears that, the present matter alone was left out from the group of appeals, which are decided by this Court vide order passed on 11.09.2018. In the circumstances, I deem it appropriate to allow the present appeal for the reasons stated in the said appeals. Hence, the following order.

ORDER

(i) First Appeal filed by the appellant - claimant is hereby partly allowed with proportionate costs.

(ii) The claimant in Land Acquisition Reference No.166 of 2007 is entitled for compensation at the enhanced rate of Rs.1,06,666/- per acre in respect of his acquired land situated at village Pandhre Wadi, Tq. Paranda, District Osmanabad, with all statutory benefits, after deducting the compensation amount which is withdrawn by the claimant.

- (iii) The modification, as aforesaid, be made in the impugned judgment and award passed by the learned Civil Judge, Senior Division, Osmanabad.
- (iv) Rest of the judgment and award stands confirmed.
- (v) The award be drawn up as per the above modification.
- (vi) In the circumstances, there shall be no order as to costs.
- (vii) First Appeal is disposed of.

(PR. BORA, J.)