

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

925 FIRST APPEAL NO.2059 OF 2008

Pandit s/o Sitaram Borade
Age: 55 years, Occu.: Agril.,
R/o. Patoda, Taluka Partur,
District Jalna. ..Appellant

VERSUS

- 1) The Sate of Maharashtra,
Through the Collector,
Jalna.
- 2) The Special Land Acquisition Officer,
Partur.
- 3) The Executive Engineer,
Lower Dudhna Project, Sailu.
- 4) The Special Land Acquisition Officer,
Krishna Khore, Jalna. ..Respondents

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Bhanudas s/o. Sitaram Borade
Age: 55 years, Occu.: Agril.,
R/o. Patoda, Taluka Partur,
District Jalna. ..Appellant

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- 1) The Sate of Maharashtra,
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Advocate for Appellant : Shri A.H.Koralkar
AGP for Respondents – State : Shri A.M.Phule and Shri S.J.Salgare
Advocate for Respondent No.3 : Shri A.S.Yenegure h/f.
Shri P.S.Patil
Respondent No.4 served.

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CORAM : P.R.BORA, J.

DATE: 6th February, 2019

ORAL JUDGMENT:-

1 Since both these appeals are arising out of the common acquisition proceedings in respect of rehabilitation of village Kedarwakadi, I have heard common arguments in both these appeals and I deem it appropriate to decide these appeals by a common reasoning.

2 When the present appeals are taken up for hearing, the learned Counsel appearing for the appellants – claimants submitted that this Court (Coram : Sunil K.Kotwal. J), in First Appeal No.1586 of 2009 decided on 07.01.2019 arising out of the same project, has awarded the enhancement in the amount of compensation by determining the market value of the acquired lands @ Rs.1,800/- per Are. The learned Counsel pointed out that the land, which was the subject matter of First Appeal

No.1586 of 2009, was also acquired for the same purpose of rehabilitation of village Kedarwakadi and same was also acquired from village Patoda (Bk.). The learned Counsel further submitted that the land, which was the subject matter of First Appeal No.1586 of 2009 and the lands, which are the subject matter of the present appeals, were acquired vide the same Notification under Section 4 of the Act, published in the official Gazette on 02.11.1995 and the awards under Section 11 of the Act, in respect of the said lands have also passed on the same date i.e. 19.08.1996. The learned Counsel submitted that the Reference Court has enhanced the compensation determining the market value of the acquired land @ Rs.531/- per Are. The learned Counsel further submitted that this Court in First Appeal No.1586 of 2009 has enhanced the amount of compensation by determining the market value of the land, which was subject matter in the said appeal @ Rs.1,800/- per Are. The learned Counsel further submitted that the evidence, which has been relied upon in the present matters was relied upon in the said appeal also. In the circumstances, the learned Counsel prayed for passing similar order and to grant similar enhancement in the amount of compensation in the present two matters also.

3 The learned Counsel for the Acquiring Body has not

disputed correctness of the facts as are stated by the learned Counsel appearing for the appellants.

4 A copy of the Judgment passed by this Court in First Appeal No.1586 of 2009 is placed on record.

5 On perusal of the Judgment passed in the said matter and after having having considered the record of the present case, there has remained no doubt that the lands, which are involved in the present appeals and the land, which was involved in First Appeal No.1586 of 2009, were acquired for the same project, from the same village, vide the same Notification and the price offered by the Special Land Acquisition Officer (SLAO) was also the same. In view of the fact as aforesaid, I find it appropriate to determine the market value of the lands acquired in the present appeals at the similar rate of Rs.1,800/- per Are and hold the appellants entitled for the enhancement in the amount of compensation accordingly. In the result, the following order is passed:-

ORDER

I) Both the appeals are allowed in the following terms:-

- a) The appellants are held entitled for the market value of their acquired land @ Rs.1,800/- per Are.
- b) The appellants are held entitled for enhanced amount of compensation @ Rs.1,269/- per Are.
- c) The appellants are also held entitled for the statutory benefits and interest in accordance with law on the enhanced amount of compensation.
- d) Awards be prepared accordingly.

(P.R.BORA)
JUDGE

SPT