

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

FIRST APPEAL NO.180 OF 2002

Shreemant s/o Amrata Lokhande (Died)
Through L.Rs.

1. Vijayabai Anandrao Bidve
Age : 53 years, Occu : Household
2. Ushabai Ashok Bargande
Age : 51 years, Occu : Household
3. Sudhakar Shrimant Lokhande
Age : 49 years, Occu : Agril
4. Bhagyashree Baban Lokhande
Age : 35 years, Occu : Household
5. Nanasaheb Shrimant Lokhande
Age : 45 years, Occu : Agril
6. Chimabai Ramesh Fawade
Age : 43 years, Occu : Household
7. Pravin Shrimant Lokhande
Age : 41 years, Occu : Agril

All R/o. Ashiv, Tq. Ausa, Dist. Latur

.. Appellants

VERSUS

The State of Maharashtra
through Collector, Latur,
Dist. Latur

.. Respondent

...

Advocate for Appellants : Shri S.S. Manale
AGP for Respondent – State : Shri A.M. Phule

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CORAM : P.R. BORA, J.

Dated: February 21, 2019

ORAL JUDGMENT :

1. Heard Shri Manale, learned Counsel appearing for the appellants and Shri Phule, learned AGP appearing for the respondent –State. The present appeal was filed by Shreemant Amrata Lokhande, however, he died during pendency of the present appeal. His legal heirs were not taken on record. The present appeal was heard by this Court along with First Appeal Nos.181 of 2002 and 182 of 2002 on 30.08.2016. First Appeal Nos.181 of 2002 and 182 of 2002 were decided by a common Judgment by this Court on the said day. However, it was subsequently revealed that, on the date of passing of the common judgment and award on 30.08.2016, the appellant in the present first appeal was no more. When this fact was brought to the notice by the applicants by filing Civil Application No.2570 of 2017, this Court vide order passed on 30.08.2016 directed to take the legal heirs of the appellant on record and the appeal was directed to be listed for fresh hearing. Today, the appeal is heard. In view of the fact that, earlier, the present appeal was decided along with First Appeal Nos.181 of 2002

and 182 of 2002, however, the said order was set aside only for the reason that, the legal heirs were not brought on record on that day, the present appeal deserves to be allowed in the similar terms, since now the legal heirs are brought on record. Hence, the following order.

ORDER

1. The market price of the acquired lands which are the subject matter in the present appeal be determined at the rate of Rs.62,500/- per hectare for irrigated land and Rs.50,000/- per hectare for non-irrigated land. The appellants are held entitled to receive the market price for their acquired lands at the aforesaid rate. The respondent is directed to assess the compensation accordingly and to pay the enhanced amount of compensation to the appellants along with all the statutory benefits and interest as is admissible under the provisions of the Land Acquisition Act.

2. The appeal stands allowed in the aforesaid terms.
No order as to costs.

(**PR. BORA, J.**)