

**FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR**

FIRST APPEAL NO. 338/2007

(M.I.D.C., AMRAVATI **VERSUS** VASUDEO MAHADEO TAYADE & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.M. Agnihotri, counsel for appellant.
Shri D.M. Upadhye, counsel for R-1.
Mrs. H.N. Prabhu, A.G.P. for R-6 & 7.

CORAM : A.S. CHANDURKAR, J.

DATE : FEBRUARY 04, 2019.

In this appeal filed under Section 54 of the Land Acquisition Act, 1894 the judgment of the Reference Court in L.A.C. No.527 of 1999 is under challenge.

Pursuant to notification dated 14.01.1994 issued under Section 32(2) of the Maharashtra Industrial Development Act, 1961, land admeasuring 72 R from Gat No.86 situated at Mouza Ukali came to be acquired. The award in question was passed on 21.03.1997 wherein the Land Acquisition Officer granted compensation of Rs.26,560/-. In the reference proceedings, the amount of compensation has been enhanced to Rs.1,00,000/- per Hectare.

In First Appeal No.184 of 2007 alongwith connected appeals decided on 31.01.2019, this Court after considering the location of the acquired land, has determined the amount of compensation to be Rs.95,000/- per Hectare from village Ukali. In the present appeal, the claimant in his deposition has admitted that his agricultural land was surrounded from all sides by other agricultural fields. The location of the acquired land is thus similar to the lands which were the subject matter of adjudication in First Appeal No.184 of 2007 and 536 of 2007.

Hence, for the reasons assigned in the judgment dated 31.01.2019 in First Appeal No.184 of 2007 and considering the similarity in the location of the acquired land, the following order is passed:-

- I. The judgment of the Reference Court dated 30.09.2006 in L.A.C. No.527 of 1999 is partly modified.
- II. It is held that the claimant is entitled to enhanced compensation for the acquired land at the rate of Rs.95,000/- per Hectare.
- III. This amount is payable with all statutory benefits.
- IV. The claimant is free to withdraw the amount of compensation in terms of this adjudication. Balance amount if any be refunded to the appellant with accrued interest.

The First Appeal is partly allowed in aforesaid terms.

No costs.

JUDGE

APTE