

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

FIRST APPEAL NO. 1266/2019.

Omprakash Rajabhau Padmawar

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.J. Shinde, Advocate for the Appellant.
A.G.P. for Respondent Nos.1 and 2.
Shri R.C. Raibhanrde, Advocate for Respondent No.3.

CORAM : VINAY JOSHI, J.

DATE : 11.11.2019.

Heard.

2. Learned counsel for the appellant states that this Court vide judgment and order dated 22.09.2015 passed in First Appeal No. 603/2003 and 221/2017 has decided similar controversy involved in this appeal. He further states that the compensation in respect of the land there was from the same village and same project. It is further stated that notification issued therein under Section 4 of the Land Acquisition Act, is also the same. It is pointed out that this Court

2

had granted enhanced compensation of @ Rs.3,75,000/- per hectare in these appeals and since the said judgment covers the controversy involved in this appeal, the appellant here is also entitled to same compensation.

3. It is further stated that First Appeal No.736/2019 came to be decided by this Court on the very same lines on 25.09.2019.

4. Since the learned Counsel appearing for the respondent does not dispute the position and infact concede to the same, I find no hesitation in allowing this appeal by directing the respondents to pay compensation to the appellant @ Rs.3,75,000/- per hector with all statutory benefits flowing therefrom. It is however, made clear that the appellant shall not be entitled to any interest for the period of delay caused in approaching this Court, which is already reflected in the order dated 28.06.2019, when delay in filing appeal came to be condoned.

5. Respondents shall deposit the enhanced amount of compensation within a period of 6 months from today, and the appellant shall be entitled to withdraw the same immediately on deposit of the

same.

6. First Appeal is accordingly allowed and disposed of. No costs.

JUDGE

Rgd.