

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

First Appeal No. 1280 of 2019
(Anandrao Shamrao Bhalerao .vs. The State of Maharashtra through its
Collector, Yavatmal)

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

Mr. R.J. Shinde, Advocate for Appellant.
Mr. B.M. Lonare, AGP for Respondent.

CORAM : Manish Pitale, J.
DATED : August 22, 2019.

This is an appeal filed by the original claimant for enhancement of compensation for acquisition of his land admeasuring 4.04 HR in village Sawanga, tahsil Digras, district Yavatmal. The only point that arises in this appeal is as to whether the quantum of compensation granted by the Reference Court at Rs.18,000/- per hectare is just and fair.

2. At the out set, the learned counsel appearing for the appellant has placed before this Court a judgment and order dated 30.08.2016 passed by this Court in First Appeal No. 127 of 1996 concerning grant of compensation to a claimant whose land was situated in adjacent village of Deurwada, tahsil Digras, district Yavatmal. In the said judgment, by relying upon earlier judgment of this Court in number of connected appeals, compensation was determined at Rs.65,000/- per hectare.

3. The learned counsel for the appellant has emphasized that the villages Sawanga and Deurwada

are in the same tahsil of Digras and they are adjacent to each other. These facts are not seriously disputed by the learned A.G.P. appearing on behalf of the respondent/State. It is also an admitted fact that the lands in these two villages were acquired for the Arunawati Irrigation Project.

4. Therefore, considering the fact that compensation at Rs.65,000/- per hectare was fixed by this Court for acquisition of similar land in the adjacent village, this Court is of the opinion that the present appeal deserves to be allowed.

5. Accordingly, the appeal is allowed and it is held that the appellant is entitled to compensation of Rs.65,000/- per hectare for his acquired land along with all statutory benefits. The award of the Reference Court stands modified accordingly.

6. In these circumstances, while allowing the appeal, the respondent/State is directed to deposit the amount of compensation before this Court in terms of the present order passed by this Court, within a period of six months from today. Upon such deposit of amount, the appellant shall be permitted to withdraw the same immediately.

JUDGE