

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

FIRST APPEAL NO. 425/2008

(DATTU ABHIMANYU BHOKRE **VERSUS** THE COLLECTOR & OTHERS)

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

Court's or Judge's orders

Shri K.S. Narwade, counsel for appellant.
Ms A.R. Kulkarni, A.G.P. for R-1 to 2.
Shri M.R. Joharapurkar, counsel for R-3.

CORAM : A.S. CHANDURKAR, J.

DATE : JULY 04, 2019.

This appeal filed under Section 54 of the Land Acquisition Act, 1894 takes exception to the judgment of the Reference Court in Land Acquisition Case No.96 of 2002 dated 18.09.2007 wherein the reference Court has partly allowed the prayer for enhancement in the amount of compensation and has awarded sum of Rs.80,000/- per Hectare for the acquired land.

By issuing notification under Section 4 of the said Act on 08.12.1994, land admeasuring 1 Hectare 34 R from Survey No.181/1 of village Vidul came to be acquired. The Land Acquisition Officer passed his award dated 11.11.1997 granted compensation at the rate of Rs.57,500/- per Hectare. This amount has been partly enhanced to Rs.80,000/- per Hectare by the reference Court.

Shri K.S. Narwade, learned counsel for the petitioner submits that in acquisition proceedings under the same notification with regard to lands from the same village bearing First Appeal No.886 of 2008 wherein compensation at the rate of Rs.1,60,000/- per Hectare was granted by the reference Court have been withdrawn by the Acquiring Body. It is therefore submitted that the

appellant is entitled for enhanced compensation to the extent of Rs.1,60,000/- per Hectare.

Shri M.R. Joharapurkar, learned counsel for the respondent no.3 does not dispute the fact that First Appeal No.886 of 2008 arising out of acquisition proceedings from the same village and wherein compensation at the rate of Rs.1,60,000/- per Hectare was granted has been withdrawn by the Acquiring Body.

In that view of the matter, as the Acquiring Body has accepted the grant of compensation for other lands from the same village under the same notification at the rate of Rs.1,60,000/- per Hectare, the judgment of the reference Court is partly modified in the following manner.

- I. It is held that the claimant is entitled to receive compensation at the rate of Rs.1,60,000/- per Hectare for the acquired land alongwith all statutory benefits.
- II. Award passed in L.A.C. No.96 of 2002 is modified accordingly.

The First Appeal is allowed in the aforesaid terms. No costs.

JUDGE