

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

FIRST APPEAL NO. 1600 OF 2019

Rajendra s/o Raghunath Sapre

VS.

The State of Maharashtra through its Collector, Yavatmal

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

Court's or Judge's

Shri. R. J. Shinde, Advocate for appellants.
Smt. Mrunal Naik, AGP for respondent.

CORAM : Manish Pitale J

DATED : 20.09.2019

The learned counsel for the appellant has placed on record judgment of this Court dated 22.08.2019 passed in ***First Appeal No.1280/19*** in *between Anandrao Shamrao Bhalerao vs. The State of Maharashtra thr. its Collector, Yavatmal*, along with the pursis, claiming that the present appeal is covered in favour of the appellant for enhancement of compensation as per the said judgment.

2. There is no doubt about the fact that the land belonging to the appellant in the present case was also located in village Sawanga Tahsil Digra, District Yavatmal and that the said judgment and order upon which reliance is placed by the learned counsel for the appellant also pertains to acquisition

of land from the same village. By the said judgment and order of this Court upon which reliance was placed, it was held that the claimant in the said appeal was entitled to Rs.65000/- per hectare for dry crop of land.

3. In the impugned judgment and order passed by the Reference Court quantum of compensation of Rs.18000/- per hectare granted for dry crop land and twice of the same i.e. Rs.36000/- per hectare was granted for irrigated land. In the impugned judgment and order itself it is recorded that the land belonging to the appellant was irrigated land. Hence, when this Court has granted Rs.65000/- per hectare to identically situated dry crop land, the appellant in the present case is entitled to grant of compensation at Rs.1,30,000/- per hectare for irrigated land.

4. Accordingly, the appeal is allowed and it is held that the appellant is entitled to enhanced compensation at Rs.1,30,000/- per hectare. Hence, the respondents shall deposit the enhanced amount of compensation in terms of this order along with statutory benefits within a period of six months from today. Upon such deposit, the appellant shall be permitted to withdraw the amount immediately.

5. Needless to say, in terms of order dated 11.02.2019, the appellant shall not be entitled to

interest for the period of delay in approaching this Court.

6. Appeal stands disposed of. No order as to costs.

JUDGE

KOLHE