

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

First Appeal No.736/2019
Shivdas Padmawar Vs. State Through Collector Yavatmal

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

Court's or Judge's orders

Mr. R.J. Shinde, Advocate for appellant
Mr. S.D. Sirpurkar, AGP for respondent No.3.

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 25, 2019

At the outset when the appeal was called out for hearing, the learned counsel for the appellant (original claimant), placed reliance on the Judgment and order dated 22/09/2015, passed by this Court in 2 first appeals bearing First Appeal No.603/2003 (Vijay Belgumwar and Another Vs. State of Maharashtra and others) and First Appeal No.221/2007 (The State of Maharashtra Vs. Vijay Belgumwar and Another), which concerned payment of compensation for acquisition of land from the same village i.e. village Lakh Tah. Digras Dist. Yavatmal. The learned counsel for the appellant submitted that since the Notification issued under Section 4 of the Land Acquisition Act, 1894, in this case was the same as one considered by this Court in the aforesaid appeals, the present case is covered in favour of the appellant. It is pointed out that since this Court granted enhanced compensation @Rs.3,75,000/- per hectare, in the present case also the appellant was also entitled for the same amount of compensation.

2. The learned counsel appearing for the respondents do not dispute the fact that the aforesaid Judgment relied upon by the learned counsel for the appellant pertains to the same village and same Notification which initiated acquisition proceedings.

3. In view of the the above, the instant appeal is allowed and the respondents are directed to pay compensation to the appellant @Rs.3,75,000/-, per hectare with all statutory benefits.

4. It is made clear that the appellant shall not be entitled to interest for the period of delay in approaching this Court, which was specifically directed in order dated 15/10/2018, while condoning delay.

5. Consequently, the respondents shall deposit enhanced amount of compensation within a period of 6 months from today, which the appellant will be entitled to withdraw immediately.

JUDGE