

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

First Appeal No. 1057 of 2018
(Mohammad Ayub s/o Sheikh Imam (Since expired through his L.R.
Mohammad Anwar Mohammad Ayub Ghongale) .vs. 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.

Mr. A.S. Dhore, Advocate for Appellant.
Mrs. M.N. Naik, AGP for Respondent Nos. 1 to 3.
Mr. R.S. Kurekar, Advocate for Respondent Nos. 5 & 6.

CORAM : Manish Pitale, J.
DATED : August 27, 2019.

The appellant herein is the original claimant, who has challenged the judgment and award passed by the Reference Court. It is claimed that the quantum of compensation granted by the Reference Court was insufficient.

2. At the outset the learned counsel appearing for the appellant invited attention of this Court to judgment and order dated 31.10.2014 passed by this Court in First Appeal Nos. 202/1999 and 203/1999 wherein enhanced compensation at the rate of Rs.1,00,000/- per hectare was granted. It is pointed out that the land acquired in the said cases belonged to the very same village i.e. village Chincholi, district Yavtmal as in the present case and that the acquisition was also pursuant to the same notification for the very same project. On this basis, it was submitted that the appellant in the present case is also entitled to identical relief of enhanced compensation. This position is not

disputed by the learned A.G.P. appearing on behalf of the respondent Nos. 1 to 3.

3. It is also relevant to note that the respondent nos. 5 and 6 in the present case are brothers of the appellant herein and they had stated before the Reference Court itself that the appellant alone was entitled to compensation for acquisition of the land in question and they had no objection to the entire compensation being paid to the appellant. The said stand is reiterated before this Court.

4. In view of the above, the appeal is allowed and it is held that the appellant is entitled to grant of compensation at the enhanced rate of Rs.1,00,000/- per hectare. Accordingly, the respondent nos. 1 to 3 shall deposit the enhanced amount of compensation along with all admissible statutory benefits in this Court within a period of six months. Upon such deposit, the appellant shall be entitled to withdraw the amount immediately.

JUDGE