

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

First Appeal No.1581/2019
Vasanta Rathod Vs. The State of Maharashtra and others

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. B.M. Lonare, AGP for respondents

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 23, 2019

The learned counsel for the appellant submits that the case the appellant is covered by Judgment and order dated 17/10/2018, passed by this Court in First Appeal No.348/2003 (Deosing Rathod Vs. The State of Maharashtra and others), since the said appeal also pertained to acquisition of land from village Mokh Tah. Digra Dist. Yavatmal for the very same project for resettlement of project affected persons and that the Notification under Section 4 of the Land Acquisition Act, 1894, dated 13/2/1986 was the same. On this basis, it is contended that the appeal deserves to be allowed and the appellant is entitled to payment of compensation at Rs.6,50,000/- per hectare. Such position is not disputed by Mr. B.M. Lonare, learned AGP appearing on behalf of the respondents.

2. Hence, relying upon the reasoning given by this Court in First Appeal No.348/2003, (Deosing

Rathod Vs. The State of Maharashtra and others), the present appeal is partly allowed and the respondents are directed to pay compensation to the appellant at Rs.6,50,000/- per hectare along with all statutory benefits. The respondents shall deposit enhanced amount of compensation within a period of 6 months from today. The appellant shall be entitled to withdraw the amount immediately upon deposit of the same by the respondents.

JUDGE

MP Deshpande