

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

First Appeal No.381 of 2018
(Kisan s/o Ramaji Adhe (dead) through his L.Rs. Vaishali Sunil Raut and ors.
.vs. State of Maharashtra and others.)

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

Mr. R.J. Shinde, Advocate for Appellants.
Mr. B.M. Lonare, AGP for Respondent Nos. 1 and 2.

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

This is an appeal filed on behalf of the original claimants seeking enhancement of compensation, as they were dissatisfied by the quantum of compensation granted by the Reference Court for acquisition of their land. The only point that arises for determination in this appeal is as to whether the quantum of compensation granted by the Reference Court was just and fair and whether any enhancement was required to be granted.

2. At the outset, the learned counsel appearing for the appellants referred to judgment and order dated 03.04.2009 passed by this Court in First Appeal No. 89 of 1995 (State of Maharashtra and another .vs. Mohd. Shabbir Sk. Aziz and others). It was submitted that the said judgment of this Court pertained to land which was situated in the same village i.e. village Ukhali, tahsil Digras, district Yavatmal, as in the present case and that enhanced compensation at the rate of Rs.2,40,000/- per hectare was granted by this Court.

3. The said facts stated on behalf of the

appellants are not disputed by the learned AGP appearing on behalf of the respondents. It is also a matter of record that the land of the appellants herein was acquired for the very same project for which the land in the said relied upon judgment was acquired.

4. Hence, for the reasons stated in the judgment of this Court dated 03.04.2009 in First Appeal No. 89 of 1995, the present appeal is also allowed and it is held that the appellants are entitled to compensation at the rate of Rs.2,40,000/- per hectare. The rest of the judgment and award of the Reference Court is maintained.

5. Accordingly, the respondents shall deposit the amount of compensation payable to the appellants in terms of the order passed today, within a period of six months. Upon such deposit of amount in this Court, the appellants shall be permitted to withdraw the same immediately.

JUDGE