

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

First Appeal No.450 of 2018

**(Kondabai Khanduji Ingole .vs. The State of Maharashtra, through its
Collector, Yavatmal 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. R.J. Shinde, Advocate for Appellant.
 Ms. H.N. Jaipurkar, AGP for Respondent Nos. 1 & 2.
 Mr. J.B. Kasat, Advocate for Respondent No.3.

CORAM : Manish Pitale, J.
DATED : September 04, 2019.

The present appeal has been filed by the original land owner (claimant) seeking enhancement of compensation. The appellant is dissatisfied with the Reference Court order that enhanced the compensation from Rs. 17,500/- per hectare to Rs.35,000/- per hectare.

2. It is pointed out that in the present case the land belonging to the appellant was situated in village Kurli, tehsil Umarkhed, district Yavatmal and it was acquired for the Amadapur Irrigation Project. It was pointed out by the learned counsel appearing for the appellant that the notification under Section 4 of the Land Acquisition Act, 1894 was issued in the present case on 28.01.1997 and that in respect of land situated in the same village i.e. Kurli, land owners were granted the compensation at the rate of Rs.83,000/- per hectare for dry crop land. Attention of this Court was invited to judgment and order dated 09.07.2019 passed in First Appeal No. 479 of 2015, wherein this Court enhanced compensation to Rs.83,000/- per hectare for dry crop land on the basis of earlier judgments passed by this

Court in the context of similarly situated lands in the village Kurli.

3. The said contentions raised on behalf of the appellant are not disputed by the respondents. Accordingly, it is found that the appellant is entitled to enhanced compensation in the present case also.

4. Accordingly, the appeal is partly allowed and the respondents are directed to pay enhanced compensation to the appellant for acquisition of his land at village Kurli at the rate of Rs.83,000/- per hectare, along with statutory benefits. Insofar as interest is concerned, in terms of order dated 23.01.2018 passed by this Court whereby a delay of 2111 days in filing the appeal was condoned, the appellant shall not be entitled to interest for the aforesaid period of delay of 2111 days.

5. Accordingly, the respondents shall deposit the amount payable to the appellant in terms of the order passed today in this appeal, within a period of six months from today. Upon such deposit of the amount, the appellant shall be entitled to withdraw the same immediately.

6. Appeal is disposed of.

JUDGE