

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

First Appeal No.761 of 2016
(Kailash Sheshrao Bhusale .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.
Mr. S.D. Sirpurkar, AGP for Respondent Nos. 1 and 2.
Mr. R.C. Raibhandare, Advocate for Respondent No.3.

CORAM : Manish Pitale, J.
DATED : October 07, 2019.

By this appeal, the land owner-claimant has challenged judgment and order dated 04.05.2012 passed by the Court of Civil Judge, Senior Division, Pusad (Reference Court), seeking further enhancement of compensation for acquisition of his land located in village Kurli, tehsil Umarkhed, district Yavatmal for the Amdapur Irrigation Project.

2. When this appeal has been called out for hearing, the learned counsel for the appellant placed reliance on order dated 04.09.2019 passed by this Court in First Appeal No.450 of 2018, wherein enhanced compensation at the rate of Rs.83,000/- per hectare for dry crop land was granted for similarly situated lands in the village Kurli acquired for the very same project pursuant to the same notification issued under Section 4 of the Land Acquisition Act, 1894. The learned counsel for the appellant submitted that similar relief ought to be

granted to the appellant herein.

3. The learned counsel appearing for the respondents do not dispute the fact that the case of the appellant would be covered by the aforesaid order dated 04.09.2019 passed by this Court in **First Appeal No. 450 of 2018 (Kondabai Khanduji Ingole .vs. State of Maharashtra and others)**.

4. Consequently, the appeal is partly allowed and the respondents are directed to pay enhanced compensation to the appellant at the rate of Rs.83,000/- per hectare along with statutory benefits. Insofar as the grant of interest is concerned, as per order dated 20.06.2016 passed by this Court, the appellant shall not be entitled to interest for the period of delay in approaching this Court.

5. The respondents shall deposit the enhanced compensation in this Court along with statutory benefits payable to the appellant in terms of this order, within six months from today, which the appellant shall be entitled to withdraw immediately.

JUDGE