

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

First Appeal No.343 of 2016
(Sambha Appaji Gajalwar (Gajalwad) .vs. The State of Maharashtra and others)
with
First Appeal No.108 of 2016
(Sambhaji Khanduji Ingole .vs. The State of Maharashtra and others)
with
First Appeal No.388 of 2016
(Tukaram Narsing Koli (Narewad) .vs. The State of Maharashtra and others)
with
First Appeal No.495 of 2016
(Ramrao Sambhaji Sawale .vs. The State of Maharashtra and others)
with
First Appeal No.501 of 2016
(Ganesh Yesu Paikrao .vs. The State of Maharashtra and others)
with
First Appeal No.531 of 2017
(Namdeo Dharma Rathod .vs. The State of Maharashtra and others)
with
First Appeal No.753 of 2017
(Maroti Satva Bhusale and others. .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. R.J. Shinde, Advocate for Appellants
Mrs. Mrunal Naik, AGP for Respondent Nos. 1 & 2
Mr. R.C. Raibhandare, Advocate for Respondent No.3

CORAM : Manish Pitale, J.
DATED : September 26, 2019.

In all these appeals, the appellants are original claimants who are seeking further enhancement of compensation for acquisition of their lands situated in village Kurli, tahsil Umarkhed, district Yavatmal for Amadapur Irrigation Project. All the appellants are dissatisfied by the enhanced compensation granted by

the Reference Court by the impugned judgments and orders.

2. When these appeals were called out for hearing, the learned counsel for the appellants placed reliance on order dated 04.09.2019 passed by this Court in **First Appeal No.450 of 2018 (Kondabai Khanduji Ingole .vs. The State of Maharashtra and others)**, wherein by placing reliance on earlier judgments and orders passed by this Court pertaining to grant of compensation for acquisition of lands from the very same village, this Court held that the claimant was entitled to compensation at the rate of Rs.83,000/- per hectare along with statutory benefits.

3. A perusal of the impugned judgments and orders in these appeals show that all of them pertained to acquisition of lands from village Kurli, tahsil Umarkhed, district Yavatmal for the very same Amdapur Irrigation Project. The notification issued under Section 4 of the Land Acquisition Act, 1894 was also the same.

4. This position on facts is not disputed by the learned counsel appearing for the respondents. In this situation, the prayer made on behalf of the appellants that they should also be granted compensation at the same rate, is sustainable.

5. Accordingly, these appeals are partly allowed and the respondents are directed to pay enhanced compensation to the appellants for acquisition of their lands from village Kurli at the rate of Rs.83,000/- per

hectare along with statutory benefits. It is made clear that the appellants shall not be entitled to grant of interest for the period of delay in approaching this Court.

6. Hence, the respondents shall now deposit the enhanced amount of compensation along with statutory benefits within a period of six months from today in this Court. Upon such deposit, the appellants shall be entitled to withdraw the same immediately.

7. All appeals are disposed of accordingly.

JUDGE

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