

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

First Appeal No.255/2016

Ashok Ingole Vs. The State Through Collector Yavatmal 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. S.D. Sirpurkar, AGP for respondents No.1 and 2.
Mr. R.C. Raibhandare, Advocate for respondent No.3.

CORAM : MANISH PITALE, J.

DATED : OCTOBER 04, 2019

By this appeal, the appellant (original land owner – claimant), has challenged the judgment and order dated 29/08/2008, passed by the Court of Civil Judge (Senior Division), Pusad (Reference Court) in LAC No.278/2002, whereby the Reference Court has granted enhanced compensation at the rate of Rs.35,000/- to the appellant in the present case.

2. It is pointed out by the learned counsel for the appellant that this Court in its order dated 04/09/2019, passed in First Appeal No.450/2018 (Kondabai Khanduji Ingole Vs. The State of Maharashtra, through its Collector, Yavatmal and others), by relying upon earlier judgment of this Court in proceedings of acquisition arising from the same village i.e. Kurli Tah. Umarkhed Dist. Yavatmal for the very same Amdapur irrigation project has held that the

claimant was entitled to enhanced compensation at the rate of Rs.83,000/- per hectare.

3. Since the land belonging to the appellant in the present case is also acquired from the same village, it is submitted on behalf of the appellant that similar relief may be granted to the appellant herein.

4. The learned counsel for the respondents have not disputed the said position of facts. Therefore, it is clear that the appellant is entitled to enhanced compensation at the rate of Rs.83,000/- per hectare with all statutory benefits. In so far as grant of interest is concerned, the appellant herein will not be entitled to grant of interest for the period of 2111 days i.e. the days of delay in approaching this Court. Accordingly, 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 with all statutory benefits in this Court except interest for the aforesaid period, within a period of 6 months. Upon such deposit, the appellant would be entitled to withdraw the same immediately.

JUDGE