

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

FIRST APPEAL NO. 557 OF 2015

Shantilal Bansilal Burandiya, Yavatmal

vs.

The State of Maharashtra thr. Collector, Yavatmal and ors.

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri. S. S. Bhalerao, Advocate for appellant.

Smt. Hemlata Jaipurkar, AGP for respondents No.1 & 2

Shri. P. B. Patil, Advocate for respondent No.3

CORAM : Manish Pitale J

DATED : 22.08.2019

Heard learned counsel for the parties.

2. By this appeal, the original claimant has challenged Judgment and Order dated 11.09.2009 passed by the reference Court in L.A.C.No.243/2005, whereby the quantum of compensation payable to the appellant was fixed at Rs.1,20,000/- per hectare.

3. The only point that arises for consideration in this application is as to whether the quantum of compensation granted by the reference Court was just and fair. The appellant has sought enhancement of compensation in the context of acquisition of 4.86 H.R. belonging to him in Mouje Dabha, Tq. Babhulgaon, Dist. Yavatmal, which was acquired for the purpose of Bembla

Project. In support of the claim of the appellant, the learned counsel for the appellant has invited attention of this Court to common Judgment and Order dated 10.07.2012 passed by this Court in First Appeal No.557/2007 and connected appeals, wherein the quantum of compensation was fixed at Rs.1,37,000/- per hectare. The learned counsel for the appellant invited attention of this Court to various portions of the said common Judgment and Order particularly paragraph 9 thereof, to contend that the case of the appellant herein is covered in his favour by the said Judgment. It was pointed out that the said common Judgment and Order also concerned similar lands acquired for the Bembla Irrigation Project and that notification for acquisition was also the same.

4. These facts are not disputed by the learned counsel appearing for respondent No.3. The learned AGP who has appeared for respondents No.1 & 2, also has not disputed these facts.

5. Considering the aforesaid material, it becomes clear that the claimant/appellant in the present case is covered by the aforesaid common Judgment and Order. Consequently, it is held that the appellant is entitled to receive compensation at Rs.1,37,000/- per hectare with all statutory benefits and that the Judgment and Order of the reference Court stands modified to that extent. The respondent shall now calculate the enhanced amount of compensation payable to the appellant and

deposit the same before this Court, within a period of six months from today. Upon such amount being deposited, the appellant shall be permitted to withdraw the same immediately.

JUDGE

KOLHE