

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

First Appeal No.1440/2019
Tulsbai Vs. State Through Collector, Buldana and Ors.

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

Court's or Judge's orders

Mr. S.P. Pawar, Advocate for appellant
Mr. B.M. Lonare, AGP for respondents No.2 and 3.

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 30, 2019

This appeal is filed by the original land owner - claimant seeking further enhancement of compensation, over and above enhanced compensation granted by the Court of Joint Civil Judge (Senior Division), Buldana (Reference Court).

2. At the outset, the learned counsel appearing for the appellant submitted that the present case was covered by Judgment and order dated 09/2/2017, passed by this Court in First Appeal No.1142/2011 (Shivaji Ashruba Shingne Vs. State of Maharashtra and others). It was contended that the said appeal also concerned acquisition of land from village Garkheda Tal. Deulgaonraja Dist. Buldana, as in the present case, pursuant to the very same Notification dated 10/10/1995, issued under Section 4 of the Land Acquisition Act, 1894.

3. It was pointed out that this Court in the

aforesaid judgment and order, granted enhanced compensation at Rs.2,05,000/- per hectare and, therefore, the appellant in this case is also entitled for the same enhanced amount of compensation.

4. The learned counsel for the respondents do not dispute the aforesaid submissions on the facts made by the learned counsel for the appellant. Accordingly, the appeal is partly allowed and the respondents are directed to pay enhanced compensation to the appellant @Rs.2,05,000/- per hectare with all statutory benefits and the judgment and order of the Reference Court is modified to that extent.

5. It is made clear that the appellant shall not be entitled to interest for the delay of 2002 days caused in filing the present appeal, as it was specifically directed in order dated 26/07/2019, whereby the aforesaid delay was condoned by this Court.

6. The respondents shall deposit the enhanced compensation as granted by this Court, within a period of 6 months before the Reference Court. The appellant shall be entitled to withdraw the same immediately upon deposit of the same.

JUDGE