

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

FIRST APPEAL NO.1123 OF 2017

Pushpatai w/o Gunwantrao Dehankar

-vs-

The State of Maharashtra, Through Collector, Yavatmal, Dist Yavatmal and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms V. P. Thakre, Advocate for appellant.

Ms H. N. Prabhu, AGP for respondent Nos.1 and 3.

Shri M. A. Kadu, Advocate for respondent No.2.

CORAM : A.S.CHANDURKAR, J.

DATE : February 21, 2019

Civil Application No.3982 of 2017

The appellant has filed this Civil Application stating therein that in view of adjudication of First Appeal No.1263/2009 with connected appeals by judgment dated 26/07/2012, this appeal also can be disposed of. Hence the prayer made in the application is accepted and the appeal is taken up for hearing.

Civil Application is disposed of.

First Appeal No.1123 of 2017

Land admeasuring 3H 18R from Gat No.78 of village Fattepur, Taluka Babhulgaon, district Yavatmal is the subject matter of acquisition. Notification under Section 4 of the Land Acquisition Act, 1894 is dated

31/12/1998. In the award dated 22/02/2002 the claimant was granted compensation at the rate of Rs.51,838/- per hectare. In the reference proceedings this amount has been enhanced to Rs.1,25,000/- per hectare.

2. Smt. V. P. Thakre, learned counsel for the appellant submitted that in First Appeal No.1263/2009 (Vidarbha Irrigation Development Corporation, Thr. Its executive Engineer, Bembla Project Division vs. Manohar s/o Nanaji Mate) with connected appeals this Court has held the amount of fair compensation for lands acquired from the same village and under same Notification to be Rs.1,35,000/- per hectare. It is submitted that in the light of that adjudication similar enhancement can be granted to the appellant. This fact is not disputed by Ms H. N. Prabhu, learned Assistant Government Pleader for respondent Nos.1 and 3 and Shri M. A. Kadu, learned counsel for the respondent No.2. Hence for the reasons assigned in the judgment dated 26/07/2012 in F.A. Appeal No.1263/2009 with

connected appeals, the following order is passed :

The judgment dated 13/07/2011 in L.A.C. No.645/2006 is partly modified. It is held that the claimant is entitled to receive compensation at the rate of Rs.1,35,000/- per hectare along with all statutory benefits. Rest of the award stands confirmed.

First Appeal is allowed in aforesaid terms with no order as to costs.

JUDGE