

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

CIVIL APPLICATION (CAF) No. 195 of 2019
in
FIRST APPEAL (ST.) NO. 21449 OF 2018

Sahebrao Champatrao Chaudhari,
aged about 65 years,
Occ. Agriculturist, R/o. Vishal Nagar,
Opposite Hanuman Mandir,
Pimpalgaon Road,
Tq. & Distt. Yavatmal.

....Appellant
(Ori. Claimant)

.....Vs.....

1. The State of Maharashtra,
represented by the Collector,
Yavatmal, Tq. & Distt. Yavatmal
2. Special Land Acquisition Officer,
Minor Irrigation Works No. 2,
Yavatmal, Tah. And Distt. Yavatmal
3. Executive Engineer,
Bembla Project, Division Office,
Godhani Road, Yavatmal,
Tq. & Distt. Yavatmal.

.... Respondents
(Ori. Respondents)

Shri M.V. Bute, Advocate for the appellant.
Shri Nikhil Joshi, AGP for respondent nos. 1 and 2.
Shri M. A. Kadu, Advocate for respondent no. 3.

CORAM : M. G. GIRATKAR, J.

DATED : 24/06/2019

ORAL JUDGMENT

Heard learned Advocate Shri Bute for the appellant. He has submitted that due to financial difficulties, appeal could not be filed within limitation.

2. Learned AGP Shri Joshi for respondent nos. 1 and 2 and learned Advocate Shri Kadu for respondent no. 3 strongly objected the application.

3. Delay is of more than 6 years.

4. Looking to the grounds mentioned in the application, delay is condoned subject to the waiving of interest for delayed period of 2365 days. Appeal be registered.

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5. Admit.

6. Shri Joshi, learned AGP waives notice on behalf of respondent nos. 1 and 2.

7. Shri Kadu, learned Advocate waives notice on behalf of respondent no. 3.

8. Heard finally with consent of learned counsels appearing for the parties.

9. The present appeal is against the judgment of Reference Court/2nd Joint Civil Judge, Senior Division, Yavatmal in L.A.C. No. 227 of 2009 in which the compensation at the rate of Rs.1,75,000/- per hectare of Village Dighi, Tq. Babhulgaon, Dist. Yavatmal is granted.

10. Learned Advocate Shri Bute has submitted that this Court in some of the appeals granted more compensation. Learned Advocate Shri Bute has pointed out the judgment of this Court in First Appeal (St.) No. 20336 of 2016 decided on 28.02.2017.

11. Heard and learned AGP Shri Joshi for respondent nos. 1 and 2 and learned Advocate Shri Kadu for respondent no. 3. They have supported this Court's judgment in First Appeal (St.) No. 20336 of 2016.

12. Land of the appellant admeasuring about 1 Hectare 84 R is acquired by respondent no. 3 for the purpose of Bembla Project. The land of the appellant is situated at village Dighi, Tq. Babhulgaon, Dist. Yavatmal.

13. In the same award of village Dighi, the judgment of Reference Court was challenged before this court in First Appeal (St.) No. 20336 of 2016. This Court granted compensation to the

acquired land of village Dighi at the rate of Rs.2,10,000/- per hectare. The land of the appellant is of village Dighi, therefore, he is also entitled for compensation at the rate of Rs.2,10,000/- per hectare.

14. In that view of the matter, the appeal is partly allowed. Respondents are directed to pay the compensation to the appellant at the rate of Rs.2,10,000/- per hectare in respect of the acquired land admeasuring 1 hectare 84 R situated at village Dighi alongwith accrued interest and statutory benefits.

JUDGE

SMGate