

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.346 OF 1991

Yashwant Narayan Patil	.. Appellant
Versus	
The Special Land Acquisition Officer, Raigad	.. Respondent

...

Mr. Rupesh R. Lanjekar for the appellant.
Mr. A.R. Patil, AGP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 13th MARCH 2020

P.C:-

1. On 10th July, 2019, the learned AGP representing the State of Maharashtra made a statement that the First Appeal is covered by the judgment delivered by this Court on 12th June, 2008 thereby dealing with the group of First Appeals instituted by the State of Maharashtra.
2. Today, when the matter is listed, the learned counsel for the appellant concede to the said position and he submit that in light of the judgment delivered in the First Appeal No.604 of 1995 in the case of the State of Maharashtra Vs. Prakash Vasudeo Deodhar, which pertain to the same notification under Section 4

of Land Acquisition Act, the issue is covered and the First Appeal is liable to be disposed of in terms of the said judgment.

2. Perused the said judgment. The Division Bench of this Court had specifically allowed the Appeals filed by the State and the Appeals and Cross Objections filed by the claimants were dismissed. It was held that the claimants would be entitled to compensation for acquisition of their lands in terms of the judgment and would also be entitled to avail the benefit of Sections 23(1)(A), 28 and all other statutory benefits subject to the limitation that wherever the awards have been made prior to the date of amendment i.e. 30th April, 1982, the claimants would not be entitled to receive the special benefits under Section 23 (1-A) of the Land Acquisition Act. Thus, the First Appeal stands disposed of in the light of the judgment dated 12th June, 2008.

3. On the appellant depicting the category enlisted in the judgment as regard the location of the land, in terms of the judgment dated 12th June, 2008, the appellant would be entitled for the benefits flowing from the judgment.

SMT. BHARATI DANGRE, J