

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

FIRST APPEAL NO.70 OF 2010

Maharashtra Industrial Development Corporation, having its office at Marol Industrial Estate, Andheri East, Mumbai and having its Regional Office at By pass road, Amravati, through its Chief Executive Officer

... Appellant

-vs-

1. Mannibai w/o Sk. Biram,
aged about 52 years, Occ. Agriculture
2. Halimabi w/o Sk. Mahabub,
aged about 45 years, Occ. Agriculture
3. Banobee w/o Sk. Bhurya
aged about 32 years, Occ. Agriculture
4. Jubedabee w/o Sk. Chand,
aged about 30 years, Occ. Agriculture

All 1 to 4 resident of Gawalipura,
Akot road, Akola

5. State of Maharashtra,
Through Collector Akola
6. Collector Akola, District Akola
7. Sub-Divisional Officer and Land
Acquisition Officer, Akola,
District Akola

... Respondents

Shri M. M. Agnihotri, Advocate for appellant.

Shri M. A. Kadu, Assistant Government Pleader for respondent Nos.5 to 7.

CORAM : A. S. CHANDURKAR AND N. B. SURYAWANSHI, JJ.

DATE : December 01, 2020

Oral Judgment : (Per A. S. Chandurkar, J.)

This appeal has been filed under Section 54 of the Land

Acquisition Act, 1894 by the acquiring body which is aggrieved by the judgment of the reference Court in LAC No.366/1997 dated 09/09/2009.

Land admeasuring 6H 47R from Survey No.139 of village Yeota was the subject matter of acquisition under provisions of the Maharashtra Industrial Development Act, 1961 (for short, the said Act). Notification under Section 32(2) of the said Act was published on 13/08/1992 and final Notification was thereafter published on 01/06/1995. The Land Acquisition Officer passed the award on 20/03/1997 granting an amount of Rs.24,000/- per hectare along with further compensation for the well and trees. The land owner being aggrieved by the amount of compensation awarded filed a reference seeking enhancement in the amount of compensation. The reference Court by the impugned judgment awarded a sum of Rs.1,000/- per are for the acquired land. This judgment is the subject matter of challenge in the present appeal.

2. Shri M. M. Agnihotri, learned counsel for the appellant fairly submits that in respect of Survey Nos.11, 138 and 12 that were acquired from the same village and under same Notification, this Court by its judgment dated 24/10/2016 in First Appeal No.1183/2010 has upheld the judgment of the reference Court by which compensation at the rate of Rs.1,00,000/- per hectare had been awarded.

3. We find that land bearing Survey No.139 which is the subject matter of acquisition in the present proceedings is adjacent to Survey No.138 which was the subject matter in First Appeal No.1183/2010 (*Maharashtra Industrial Development Corporation vs. Jammanbai w/o Sk. Bahira since dead Thr. her legal representatives Lalu Sk. Bahira and ors.*) decided on 24/10/2016. Considering the similarity of evidence coupled with the fact that this Court has recorded a finding that the amount of compensation awarded by the reference Court was reasonable not requiring any reduction, we find that the same course would have to be followed in this appeal also by maintaining the amount of compensation as awarded.

4. Hence by adopting the reasons assigned in First Appeal No.1183/2010 and in the light of the fact that the adjacent land to the acquired land was the subject matter of that appeal, the judgment of the reference Court in LAC No.366/1997 is confirmed. The First Appeal accordingly stands dismissed with no order as to costs. The claimants are at liberty to receive the amount of compensation as awarded by the reference Court including the amount deposited in this Court with accrued interest.

JUDGE

JUDGE