

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

FIRST APPEAL NO. 1904/2019

Bhaurao Krushnaji Bhalerao (Dead) Through LRs' Amrutrao S/o Bhaurao Bhalerao and Anr.,
..VS..

The State of Maharashtra, through its Collector, Yavatmal.

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

Court's or Judge's orders

Shri R. J. Shinde, Advocate for the appellants.
Ms R. V. Kaliya, A.G.P. for the respondent.

CORAM : AVINASH G. GHAROTE, J.

DATED : 08th January, 2020

The present appeal calls into the question the award dated 22.02.1990 passed by the learned Civil Judge, Senior Division, Yavatmal in reference under Section 18 of the Land Acquisition Act, in L.A.C. No.8/1987 on the ground that inadequate compensation has been granted. The land in question is field Survey No.32/3, admeasuring 1.61 HR, situated at village Sawanga, Tq. Digras, Dist. Yavatmal.

Learned counsel for the appellants invited my attention to the judgment of this Court in First Appeal No.723/2019 passed on 18.09.2019 wherein in respect of the compensation for land in respect of the same village viz. Sawanga, Tq. Digras, Dist. Yavatmal, this Court had enhanced the compensation to Rs.65,000/- per hectare for dry crop land and Rs.1,30,000/- per hectare for irrigated land.

Learned A.G.P. appearing on behalf of the respondent has not disputed the facts, that case of the appellants herein would be covered by the judgment and order passed by this Court in First Appeal No.723/2019, dated 18.09.2019.

Accordingly, the present appeal is allowed and it is held that the appellants shall be paid compensation for dry crop land of Rs.65,000/- per hectare and for irrigated land of Rs.1,30,000/- per hectare. Since the Reference Court has stated the details regarding the area of dry crop land and irrigated land, the respondent shall calculate the enhanced amount of compensation payable to the appellants and pay the same along with all statutory benefits within a period of six months from today.

It is made clear that the appellants shall not be entitled to interest on the enhanced amount of compensation for the period of delay in filing the appeal before this Court which was a period of 9745 days. Thus, appellants would not be entitled to interest for the period of 9745 days.

The appeal is accordingly disposed of.

JUDGE