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

FIRST APPEAL No. 1159/2012

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**

.....VERSUS.....

1. Vijayatai Kishore Mate (Patil), Aged 50 years, Occ. Agriculturist, resident of Umri Umarkhed, Akola, Tahsil and District Akola.
2. The State of Maharashtra, through Collector, Akola.
3. The Divisional Officer and Land Acquisition Officer, Akola. **RESPONDENTS**

WITH

FIRST APPEAL NO. 2/2013

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**

.....VERSUS.....

1. Sheela Vijay Mate (Patil), Aged 60 years, Occ. Agriculture, resident of Umri Umarkhed, Akola, Tq. & Dist. Akola.
2. State of Maharashtra, through Collector, Akola.
3. The Divisional Officer and Land Acquisition Officer, Akola. **RESPONDENTS**

WITH

FIRST APPEAL NO. 48/2013

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**

.....VERSUS.....

1. Kishore Narayanrao Mate (Patil),
   Aged 50 years, Occ. Agriculturist,
   resident of Umri Umarkhed, Akola,
   Tahsil and District Akola.
2. The State of Maharashtra,
   through Collector, Akola.
3. The Divisional Officer and
   Land Acquisition Officer, Akola. **RESPONDENTS**

Shri M.M. Agnohotri, counsel for the appellant.
Shri C.A. Joshi, counsel for the respondent no.1.
Shri M.A. Kadu, Assistant Government Pleader for the respondent nos.2 and 3.

WITH
FIRST APPEAL NO.637/2012

Sheelabai Vijay Mate,
Aged about 52 years, Occ. Agriculturist,
r/o Umri-Umarkhed, Tq. and Dist. Akola. **APPELLANT**

.....VERSUS.....

1. State of Maharashtra,
   through the Collector, Akola,
   Tq. and Distt. Akola.
2. The Sub-Divisional Officer and
   Land Acquisition Officer, Akola
   Tq. and Distt. Akola.
3. The Maharashtra Industrial Development
   Corporation, Mumbai, through
   its Regional Officer M.I.D.C.,
   Amravati Tq. and Distt. Amravati. **RESPONDENTS**

WITH
FIRST APPEAL NO.638/2012

Vijayabai Kishor Mate,
Aged about 42 years, Occ. Agriculturist,
r/o Umri-Umarkhed, Tq. and Distt. Akola. **APPELLANT**

.....VERSUS.....

1. State of Maharashtra,
   through the Collector, Akola,
   Tq. and Distt. Akola.

2. The Sub-Divisional Officer and
   Land Acquisition Officer, Akola
   Tq. and Distt. Akola.

3. The Maharashtra Industrial Development
   Corporation, Mumbai, through
   its Regional Officer M.I.D.C.,
   Amravati Tq. and Distt. Amravati. **RESPONDENTS**

WITH
FIRST APPEAL NO.639/2012

Kishor Narayanrao Mate.

1. Pratibha Kishor Mate,
   Aged about 48 years, Occ. Household work.

2. Chetna Kishor Mate,
   Aged about 21 yrs, Occ. Student.

3. Saurabh Kishor Mate,
   Aged about 19 yrs, Occ. Student.

All residents of Near Hanuman Mandir,
Chotti Umri, Akola, Tq. and Distt. Akola **APPELLANTS**

.....VERSUS.....

1. State of Maharashtra,
   through the Collector, Akola,
   Tq. and Distt. Akola.

2. The Sub-Divisional Officer and
   Land Acquisition Officer, Akola
   Tq. and Distt. Akola.

3. The Maharashtra Industrial Development
   Corporation, Mumbai, through
   its Regional Officer M.I.D.C.,
   Amravati Tq. and Distt. Amravati. **RESPONDENTS**

Shri C.A. Joshi, counsel for the appellant.
Shri M.A. Kadu, Assistant Government Pleader for the respondent nos.1 and 2.
Shri M.M. Agnihotri, counsel for the respondent no.3.

CORAM : A.S. CHANDURKAR AND N.B. SURYAWANSHI, JJ.
DATE : 10TH DECEMBER, 2020

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

These appeals filed under Section 54 of the Land Acquisition Act, 1854 take exception to the common judgment of the reference Court in proceedings under Section 34 of the Maharashtra Industrial Development Act, 1964 (for short, 'the said Act').

2. Lands situated at village Yeota were the subject matter of acquisition pursuant to notification dated 13.08.1992 issued under Section 31(2) of the said Act. The Land Acquisition Officer by his award dated 30.03.1997 granted compensation at the rate of Rs.24,000/- per Hectare for the acquired land. The claimants approached the reference Court which partly enhanced the amount of compensation to Rs.1,00,000/- per Hectare. Being aggrieved by this adjudication, the acquiring body has filed First Appeal Nos.1159/2012, 2/2013 and 48/2013. The claimants have filed First Appeals Nos.637/2012, 638/2012 and 639/2012 seeking further enhancement in the amount of compensation. By order dated 01.12.2020, these appeals were directed to be heard together.

3. Shri M.M. Agnihotri, learned counsel for the appellant/ acquiring body submitted that this Court has decided First Appeal No.483

of 2010 on 19.07.2017 and that the lands acquired therein were the subject matter of the same village as of the present appeals. This Court was pleased to hold that the amount of Rs.1,25,000/- per Hectare would be the fair compensation for the acquired land. He submits that these appeals also arise from the same notification.

4. On perusal of the judgment in First Appeal No.483/2010, it is clear that this Court has held that amount of Rs.1,25,000/- per Hectare was fair compensation for the lands situated therein. The lands in these appeals are from the same village and have been acquired under the same notification. In that view of the matter, for the reasons stated in the judgment dated 19.07.2017 in First Appeal No.483 of 2017, First Appeal Nos.1159/2012, 2/2013 and 48/2013 stand dismissed. The parties to bear their own costs.

5. Similarly, for the same reasons as assigned in First Appeal No.483 No.2010, the appellants who are claimants would be entitled for compensation of Rs.1,25,000/- per Hectare with all statutory benefits. The judgment of the reference Court insofar as First Appeal Nos.637, 638 and 639 of 2012 are concerned stands modified to that extent. The appellants are at liberty to withdraw the amount of balance compensation if any lying in deposit in this Court with accrued interest. The amount of enhanced compensation be deposited before the reference Court within a

period of four months from today. These appeals are allowed in aforesaid terms. The parties to bear their own costs.

(N.B. SURYAWANSHI, J.) (A.S. CHANDURKAR, J.)

APTE

Rohit Apte

Digitally signed by Rohit Apte
Date: 2020.12.11 18:27:13 +0530