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

FIRST APPEAL NO. 815/2014 WITH FIRST APPEAL NO.895/2016 WITH FIRST APPEAL NO.1047/2014 WITH FIRST APPEAL NO.690/2016 WITH FIRST APPEAL NO.1028/2014 WITH FIRST APPEAL NO.11/2018

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FIRST APPEAL NO. 815/2014

1. Shrikrishna Ganesh Choudhari,
Aged about 74 years (81 years as on today)
Occupation-Pensioner,
R/o. Nagpur, Present address :- Plot No.44 C, Taowan Complex,
Somalwada, Nagpur-440 025.

2. Padmakar Ganesh Choudhari,
Aged 66 years (73 years as on today)
Occupation : Lawyer,
R/o Pune, Present address :- C-403, Sigma One behind MIT College,
Kotharud, Pune-411 038.

3. Sudhir alias Sudhakar Ganesh Choudhari,
Aged 64 years (71 years as on today),
Occupation: Agriculturist.
R/o. Near Railway Station, Chandur-Railway-444009

4. Prakash Ganesh Choudhari,
Aged 58 years (65 years as on today)
Occupation-Pensioner,
R/o.Near Hingna T Point, Hingna, Nagpur

5. Ku.Pramodini Ganesh Choudhari,
Aged 62 years (69 years as on today)
Occupation Household,
R/o. Near Railway Station,
Chandur Railway-444 009.

6. Sau. Medha Rameshrao Phadnaik,
Aged 72 years (79 years as on today) Ooc. Housewife.
R/o Patrakar Colony, Near Maharaj Bag,
Nagpur-440 001. ..**APPELLANTS**

VERSUS

1. The State of Maharashtra through
The Collector, Amravati.

2. The Special Land Acquisition Officer
No.4, Amravati.

3. The Executive Engineer,
Bemala Project, Yeotmal Division, Yeotmal. ...**RESPONDENTS**

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Shri A.Shelat, Advocate for appellants.
Shri M.A.Kadu, Assistant Government Pleader for respondent nos. 1 and 2.
Shri P.B.Patil, Advocate for respondent no.3.

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FIRST APPEAL NO. 895/2016

Executive Engineer,
Bembla Project, Yavatmal Division,
Yavatmal. ..**APPELLANT**

VERSUS

1. Shrikrishna Ganesh Choudhari,
Aged about 73, Occupation-Pensioner,
R/o. Rukhmini Apartments, 59, Gajanan Nagar,
Nagpur-440 015.

2. Padmakar Ganesh Choudhari,
Aged 64 years, Occupation : Lawyer,
R/o Eshan Apartments, Shinde Nagar, Bawdhan,
Pune-411 021.

3. Sudhir alias Sudhakar Ganesh Choudhari,
Aged 62 years, Occupation: Agriculturist.
R/o. Near Railway Station, Chandur-Railway-444009

4. Prakash Ganesh Choudhari,
Aged 57 years, Occupation-Service,
R/o.Near Hingna 'T 'Point, Hingna, Nagpur

5. Ku.Pramodini Ganesh Choudhari,
Aged 61 years, Occupation Household,
R/o. Near Railway Station,
Chandur Railway-444 009.

6. Sau. Medha Rameshrao Phadnaik,
Aged 71 years Occupation : Housewife,
R/o Patrakar Colony, Near Maharaj Bag, Nagpur-440 001.

7. The State of Maharashtra through
The Collector, Amravati.

8. The Special Land Acquisition Officer
No.4, Amravati.

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Shri Abhijit Parihar, Advocate for the appellant.
Shri A.Shelat, Advocate for respondent nos. 1 to 6.
Shri M.A.Kadu, Assistant Government Pleader for respondent nos. 7 and 8.

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FIRST APPEAL NO. 1047/2014

1. Shrikrishna Ganesh Choudhari,
Aged about 74 years (81 years as on today)
Occupation-Pensioner,
R/o. Nagpur, Present address :- Plot No.44 C, Taowan Complex,
Somalwada, Nagpur-440 025.

2. Padmakar Ganesh Choudhari,
Aged 66 years (73 years as on today)
Occupation : Lawyer,
R/o Pune, Present address :- C-403, Sigma One, Behind MIT College,
Kotharud, Pune-411 038.

3. Sudhir alias Sudhakar Ganesh Choudhari,
Aged 64 years (71 years as on today),
Occupation: Agriculturist.
R/o. Near Railway Station, Chandur-Railway-444009

4. Prakash Ganesh Choudhari,
Aged 58 years (65 years as on today)
Occupation-Pensioner,
R/o. Near Hingna T Point, Hingna, Nagpur

5. Ku.Pramodini Ganesh Choudhari,
Aged 62 years (69 years as on today)
Occupation Household,
R/o. Near Railway Station,
Chandur Railway-444 009.

6. Sau. Medha Rameshrao Phadnaik,
Aged 72 years (79 years as on today)
R/o Patrakar Colony, Near Maharaj Bag,
Nagpur-440 001. **..APPELLANTS**

VERSUS

1. The State of Maharashtra through
   The Collector, Amravati.

2. The Special Land Acquisition Officer
   No.4, Amravati.

3. The Executive Engineer,
   Bemala Project, Yeotmal Division, Yeotmal. ...**RESPONDENTS**

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Shri A.Shelat, Advocate for appellants.
Shri M.A.Kadu, Assistant Government Pleader for respondent nos. 1 and 2.
Shri P.B.Patil, Advocate for respondent no.3.

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FIRST APPEAL NO.690/2016

The Executive Engineer,
Bembla Project Division, Yavatmal Division,
Yavatmal. ..**APPELLANT**

VERSUS

1. The State of Maharashtra through its
   Collector, Amravati.

2. The Special Land Acquisition Officer
   No.4, Amravati.

3. Shrikrishna Ganesh Choudhari,
   Aged about 74, Occupation-Pensioner,
   R/o. Rukhmini Apartments, 59, Gajanan Nagar,
   Nagpur-440 015.

4. Padmakar Ganesh Chaudhari,
   Aged 66 years, Occupation : Lawyer,
   R/o Eshan Apartments, Shinde Nagar, Bawdhan,
   Pune-411 021.

5. Sudhir alias Sudhakar Ganesh Chaudhari,
   Aged 64 years, Occupation: Agriculturist.
   R/o. Near Railway Station, Chandur-Railway, Dist. Amravati.

6. Prakash Ganesh Chaudhari,
   Aged 58 years, Occupation-Service,
   R/o.Near Hingna ‘T ‘Point, Hingna, Nagpur

7. Ku.Pramodhini Ganesh Chaudhari,
Aged 62 years, Occupation Household,
R/o. Near Railway Station,
Chandur Railway, Dist.Amravati.

8. Sau. Medha Rameshrao Phadnaik,
Aged 72 years Occupation : Housewife,
R/o. Patrakar Colony, Near Maharaj Bag,
Nagpur-440 001. ..**RESPONDENTS**

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Shri P.B.Patil, Advocate for the appellant.
Shri M.A.Kadu, Assistant Government Pleader for respondent nos. 1 and 2.
Shri A.Shelat, Advocate for respondent nos. 3 to 8.

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FIRST APPEAL NO.1028/2014

1. Nathuji S/o Bapuraoji Sawai (now dead) through his L.R's.

a. Vilas s/o Nathuji Sawai,
Aged 52 years (56 years as on today)
R/o. New Panwel

b. Sau.Shobha Pradeep Darne,
Aged 50 years (54 years as on today)
R/o.Yawatmal.

c. Vinod Nathuji Sawai,
Aged 48 years (52 years as on today)
R/o.Wardha.

d. Anil s/o Nathuji Sawai,
Aged 46 years (50 years as on today),
R/o. Chandur-Railway, Dist. Amravati.

e. Sunil Nathuji Sawai,
Aged 44 years (48 years as on today),
R/o.Umrer.

2. Vinod Nathuji Sawai,
Aged 45 years (52 years as on today),
Occupation: Agriculturist and Service.

3. Anil s/o Nathuji Sawai,
Aged 43 years (50 years as on today)
Occupation-Service, ..**APPELLANTS**

No. 2 and 3 R/o.Indira Nagar, Chintamani Building,
Shirasgaon Road, Chandur Railway, Dist. Amravati.

VERSUS

1. The State of Maharashtra through
The Collector, Amravati.

2. The Special Land Acquisition Officer
No.4, Amravati.

3. The Executive Engineer,
Bemala Project, Yeotmal Division, Yeotmal. ...**RESPONDENTS**

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Shri A.Shelat, Advocate for appellants.
Shri M.A.Kadu, Assistant Government Pleader for respondent nos. 1 and 2.
Shri P.B.Patil, Advocate for respondent no.3.

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FIRST APPEAL NO. 11/2018

The Executive Engineer,
Bembla Project Division, Yavatmal Division,
Yavatmal. ..**APPELLANT**

VERSUS

1. The State of Maharashtra through its
Collector, Amravati.

2. The Special Land Acquisition Officer
No.4, Amravati.

3. Natthuji S/O Bapuraoji Sawai (now dead) through his L.R's.

3-a. Vilas s/o Natthuji Sawai,
Aged 52 years
R/o. New Panwel, Mumbai.

3-b. Sau.Shobha Pradeep Darne,
Aged 50 years, R/o. Yavatmal.

3-c. Vinod Natthuji Sawai,
Aged 48 years R/o. Wardha.

3-d. Anil s/o Nathuji Sawai,
Aged 46 years R/o. Chandur Railway, Dist. Amravati.

3-e. Sunil Natthuji Sawai,
Aged 44 years, R/o. Umred.

4. Vinod Nathuji Sawai,
Aged 45 years, Occupation: Agriculturist and Service.

5. Anil s/o Natthuji Sawai,
Aged 43 years,Occupation- Service,

R.No. 4 and 5 R/o.Indira Nagar, Chintamani Building,
Shirasgaon Road, Chandur Railway, Dist. Amravati.

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Shri P.B.Patil, Advocate for appellant.
Shri M.A.Kadu, Assistant Government Pleader for respondent nos. 1 and 2.
Shri A.Shelat, Advocate for respondent nos. 3 to.5.

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CORAM : A. S. CHANDURKAR AND N. B. SURYAWANSHI, JJ.
Date on which the arguments were heard : 09.12.2020
Date on which the judgment was pronounced : 22.12.2020.

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

Since all these appeals filed under Section 54 of the Land Acquisition Act, 1894 (for short, the said Act) raise similar challenges and relate to lands adjoining each other, they are being decided together by this common judgment.

FIRST APPEAL NO.815/2014 AND FIRST APPEAL NO.895/2016

2. Land admeasuring 7 hectare from Gat No.198 situated at Chandur-Railway, District Amravati, was the subject matter of acquisition by virtue of Notification under Section 4 of the said Act dated 10.08.2003. The acquisition was for rehabilitation of villagers residing at village Sawanga. The Land

Acquisition Officer passed his award on 10.11.2005 and granted compensation @Rs.3,07,520/- per hectare and Rs.52,524/- was granted for the well standing on the land. The land owners filed reference proceedings seeking enhancement in the amount of compensation. The Reference Court by its judgment dated 27.05.2014 in L.A.C.No.160/2007 enhanced the amount of compensation to Rs.168/- per square meter and then directed deduction of 60% compensation towards development charges. The land owners not being satisfied with the said amount of compensation have filed First Appeal No.815/2014 while the Acquiring Body has filed First Appeal No.895/2016 for challenging the judgment of the Reference Court.

FIRST APPEAL NO.1047/2014 AND FIRST APPEAL NO.690/2016

3. Land admeasuring 1 H 94 R from Gat No. 198 came to be acquired pursuant to Notification dated 17.11.2005 that was issued under Section 4 of the said Act. The purpose of acquisition was rehabilitation of project affected persons from village Sawanga. The Land Acquisition Officer passed his award on 26.03.2007 and granted compensation @ Rs.3,50,000/- per hectare and Rs.150/- for pot kharab land. The land owners not being satisfied with the amount of compensation granted preferred reference proceedings and that were numbered as Land Acquisition Case No.82/2008. The Reference Court by its judgment dated 20.05.2014 partly enhanced the amount of compensation to Rs.202/- per square meter and then directed deduction of 60% compensation towards development charges. The land owners not being satisfied with the enhancement granted by the Reference Court have preferred First Appeal No.

1047/2014 while the Acquiring Body has challenged the judgment of the Reference Court by filing First Appeal No.690/2016.

FIRST APPEAL NO. 1028/2014 AND FIRST APPEAL NO.11/2018

4. Land admeasuring 4 H 06 R from Gat No.199/2 was the subject matter of the acquisition for rehabilitation of project affected persons from village Sawanga. Notification under Section 4 of the said Act was issued on 17.11.2005 and the Land Acquisition Officer passed his award on 26.03.2007 and granted compensation @ Rs,3,50,000/- per hectare. The land owners preferred Land Acquisition Reference No.83/2008 seeking enhancement in the amount of compensation. The Reference Court by its judgment dated 20.05.2014 enhanced the amount of compensation to Rs.202/- per square meter and then directed deduction of 60% compensation towards development charges. The land owners not being satisfied with the enhancement granted by the Reference Court have filed First Appeal No. 1028/2014 while the Acquiring Body has filed First Appeal No.11/2018 for challenging the judgment of the Reference Court.

5. Shri A.Shelat, learned counsel for the claimants in all the appeals submitted that the compensation awarded by the Reference Court was on a lower side. The location of the acquired plots indicated that they were abutting the railway platform on the northern side and the State highway on the eastern side. In the written statement filed by the Acquiring Body the location of the acquired lands was not specifically denied. On account of such vague denial the averments made by the claimants in that regard stood admitted. For said

purpose, he placed reliance on the decision in ***Jahuri Sah and others Vs./ Dwarika Prasad Jhunjhunwala and others AIR 1967 SC 109.*** Such location of the acquired plots indicated that the same had great non-agricultural potentiality. In fact the application for conversion of the agricultural lands for non-agricultural use had been made but the same was pending when the Notification under Section 4 of the said Act came to be issued. Moreover, considering the purpose for acquisition of the said lands which was rehabilitation of project affected persons, it was clear that the acquired lands were to be put for non-agricultural use after acquisition. He further submitted that various sale instances placed on record clearly indicated the high price of lands in the surrounding area. The sale instance dated 08.07.2002 indicating the price of land at Rs.152/- per square meter was rightly taken into consideration but the other sale instances were also liable to be taken into consideration for determining the fair market value of the acquired lands. The Reference Court was not justified in deducting 60% amount from the market value of the lands that was determined on the basis of the sale instance dated 08.07.2002. This deduction was on a higher side which was totally unwarranted and to substantiate the same the learned counsel placed reliance on the decisions in ***Valliyammal and Another, etc. Vs. Special Tahsildar (Land Acquisition) and another etc. AIR 2011 SC 2937, Sanunthala (dead) through LRs Vs Special Tahsildar (L.A.) and others, AIR 2010 SCW 1457, Mehrawal Khewaji Trust (Registered) Faridkot and others Vs. State of Punjab and others, (2012) 5 SCC 432*** and ***Mohammad Yusuf and others Vs. State of Haryana and others (2018) 16 SCC 105.*** The deductions being on a higher side, the same has resulted in granting lessor amount of compensation being granted to the claimants. He also submitted that appropriate compensation for the existing wells standing in Gat No.198 had not been granted. Thus on a consideration of the entire evidence on record, it was clear that the claimants were entitled for higher compensation.

6. On the other hand, Shri P.B.Patil, learned counsel for the Acquiring Body submitted that the Reference Court had in fact granted higher compensation and the same was liable to be appropriately reduced. The burden to prove grant of adequate compensation by the Reference Court was on the claimants but they had failed to lead proper evidence in that regard. Even though the acquired lands were proximate to the railway line they remained agricultural lands. Unless they were converted for non-agricultural use, the sale instances in respect of small plots of land could not be taken into consideration for determining the appropriate compensation for the acquired lands. He further submitted that as per provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1989 various facilities were required to be provided before the acquired land could be utilised for resettlement of the project affected persons. The deductions as made by the Reference Court were on a lower side and in view of the decision in ***Chandrashekhar (dead) by LRs and others Vs. Land Acquisition Officer and another, (2012) 1 SCC 390*** upper limit of permissible deduction was 75%. Though this decision was considered by the Reference Court, it's ratio was not appropriately applied. According to him, the deductions were liable to be made towards development charges and also after

taking into consideration the size of the lands in the sale instances. According to him, the deductions ought to have been made to the extent of 72%. The compensation granted for the well in Gat No.198 was appropriate. In fact there was only one well standing on the said land. He therefore submitted that the judgment of the Reference Court was liable to be modified by reducing the amount of compensation.

Shri A.Parihar, learned counsel for the Acquiring Body in First Appeal No.895/2016 adopted the contentions raised by Shri P.B.Patil, learned counsel.

7. In view of the rival submissions, the following points arise for determination :-

(i) Whether the compensation as awarded by the Reference Court is liable to be enhanced/reduced ?

(ii) Whether the judgment of the Reference Court deserves to be modified ?

8. We have heard the learned counsel for the parties at length and with their assistance we have also perused the record of the case. It can be seen that Notification under Section 4 of the said Act issued on 10.08.2003 in First Appeal No.815/2014 while such Notification in other appeals was issued on 17.11.2005. The acquisition of the lands was for rehabilitation of project affected persons and the same therefore indicates that the lands were proposed to be utilized for residential use of such project affected persons. As regards location of the acquired lands, it is clear that to the northern side of the said lands was the railway platform of Chandur-Railway station and on the eastern

side there was a State highway. The location of the acquired lands was not specifically denied by the Acquiring Body. The learned counsel for the claimants was therefore justified in relying upon the decision in ***Jahuri Sah and others*** (supra) to contend that by not admitting the pleadings as made in the reference application as regards location of the acquired lands, the Acquiring Body had impliedly accepted the fact that the location as described by the claimants was correct. It has further come in the deposition of the witnesses examined by the claimants that the adjoining lands had been converted for non-agricultural use and in the near vicinity of the said lands besides the railway station, there was a State Transport Bus Station, Rural Hospital and educational institutions. It is thus clear that by virtue of the location of the acquired lands the same had good non-agricultural potentiality. Moreover, the purpose of acquisition also indicates that the land had been acquired due to its proximity to the railway station. Though the application for conversion of the land for non-agricultural use had been made by the claimants in First Appeal No.815/2014 vide Exhibit 25 it is a fact that till the Notification under Section 4 of the said Act was issued, the land continued to be agricultural land. These factors would therefore be required to be taken into consideration while determining the amount of fair compensation.

9. Coming to the sale instance brought on record for the purposes of seeking enhancement in the amount of compensation, it is seen that the sale deed at Exhibit 45 in First Appeal No.815/2014 is dated 08.07.2002 which is about a year prior to the issuance of the Notification under Section 4 of the said Act. By this transaction, land admeasuring 2044 square feet or 190 square

meter was sold for a sum of Rs.29,000/- which comes to Rs.152/- per square meter. This transaction is from Gat No.196 while the acquired lands are from Gat Nos. 198 and 199/2. The other sale instances are of the years 1998 and 2003. The latter sale instance is after issuance of the initial Notification under Section 4 of the said Act. The Reference Court has taken into consideration the sale instance dated 08.07.2002 for determining the appropriate market value of the acquired lands and we find that the choice of this sale instance is appropriate being proximate in time from issuance of the Notification under Section 4 of the said Act. It may be stated that all the learned counsel also based their arguments by taking this sale instance into consideration. It is therefore held that the sale instance dated 08.07.2002 is a vital piece of evidence that is required to be considered for determining the appropriate amount of compensation.

10. In First Appeal No.815/2014 the sale instance at Exhibit 45 indicates that 190 square meters of non-agricultural land was sold @ Rs.152/- per square meter. Since this transaction was one year prior to the issuance of Section 4 Notification, 10% enhancement in the amount of compensation is liable to be granted. By taking such increase into consideration, the market value of the acquired land based on this sale instance comes to about Rs.168/- per square meter which rate has also been taken into consideration by the Reference Court. It is thus held that the Reference Court has rightly arrived at a conclusion that the approximate market value of the land when the Notification under Section 4 of the said Act issued was Rs.168/- per square meter.

In First Appeal Nos. 1047/2014 and 1028/2014 this very sale instance dated 08.07.2002 is at Exhibits 41 and 53 respectively. Since the Notification under Section 4 of the said Act in these appeals is dated 17.11.2005, increase at the rate of 10% per annum would have to be taken. Thus, the market value of the acquired lands would come to Rs.203/- per square meter (Rs.152 + 45.60 +5.06).

11. The aspect of deductions would thereafter have to be taken into consideration. This would have to be done in the light of the fact that the acquired lands were agricultural lands and the sale instance on the basis of which the market value has been determined was a non-agricultural plot of smaller dimension. The manner in which the aspect of deductions has to be arrived at has been referred to in the decisions in ***Valliyammal and another*** (supra) and ***Chandrashekhar*** (supra). It has been held that the factors to be kept in mind while making deductions is the cost of development when the acquired land is agricultural land as well as the size of the acquired land as compared to the sale instance on the basis of which the market value has been determined. Normal deduction of 1/3rd (one third) amount of compensation has been prescribed towards development expenses when the land is agricultural land or undeveloped land. Admittedly in the present case, the lands were being used for agricultural purpose when they came to be acquired. The lands were acquired for housing purposes and hence development activities were required to be carried on in the said lands before it could be put to actual use. This aspect would therefore have to be kept in mind while providing for

deduction on account of development charges.

Another relevant aspect is taken in view of the fact that the acquired lands were admeasuring 7 H in First Appeal No.815/2014, 4 H 06 R in First Appeal No.1028/2014 and 1H 94 R in First Appeal No. 1047/2014. The sale instance dated 08.07.2002 is with regard to the land admeasuring 190 square meters. It is thus found that since the acquisition is of larger areas of land as compared to the sale instance, the deduction on that account is inevitable.

12. The Reference Court has in the impugned judgment made deduction of 60% by taking into consideration deduction on account of development. There is however no reason indicated as to on what basis this deduction at 60% has been arrived at. Moreover, there is no deduction provided for smallness of the sale instance in comparison with the acquired lands. Further, similar deduction has been applied for all the three acquired lands irrespective of the different sizes of the acquired lands. The Reference Court ought to have applied the aspect of deduction independently to each acquired land based on proportionate aspects of development and the size of the acquired lands.

On a re-consideration of the entire evidence on record in the light of the ratio of the decisions referred to hereinabove with regard to deductions, it is found that in First Appeal No.815/2014 the acquired land is 7 H. The deduction to be made on account of development charges is taken at 1/3rd (One third) which comes to 33%. Considering the size of the acquired land in comparison with the sale instance dated 08.07.2002, the deduction on account of the acquired land being large in size is taken at 27%. The total deduction liable to be made in First Appeal No.815/2014 would be 60%.

In First Appeal No.1028/2014 wherein 4 H 06 R land has been acquired, the deduction to be made on account of development charges is taken at 1/3rd (One third) which comes to 33%. Considering the size of the acquired land in comparison with the sale instance dated 08.07.2002, the deduction on account of the acquired land is taken at 22% being small in size when compared to the acquired land in First Appeal No.815/2014. The total deduction liable to be made in First Appeal No.1028/2014 would be 55%.

In First Appeal No.1047/2014 the deduction towards development charges is taken at 1/3rd (One third) which comes to 33%. However this piece of the acquired land is 1 H 94 R and the same is much smaller than the earlier two acquired lands. The deduction on account of area of the acquired land therefore has to be lessor. The deduction on account of the size of the acquired land is taken at 17%. The total deduction liable to be made in First Appeal No.1047/2014 would be 50%.

13. As regards the compensation for grant of well is concerned, we find that the Reference Court was justified in granting the same only for one well as only part of Gat No.198 in which one well was situated was acquired. No other modification in the order of the Reference Court is called for in First Appeal No.815/2014. However, in First Appeal No. 1028/2014 the deductions would be to the extent of 55% while in First Appeal No.1047/2014 the deductions would be 50% after determining the compensation for the lands at Rs.200/- per square meter. The points as framed are answered accordingly.

14. In the light of the aforesaid adjudication, in First Appeal Nos. 815/2014 and First Appeal No.895/2016 the judgment of the Reference Court in L.A.C.No.160/2007 is maintained however by assigning different reasons. In First Appeal Nos. 1028/2014 and 11/2018, the judgment of the Reference Court in L.A.C.No.83/2008 is partly modified. It is held that the complainants are entitled for compensation for the acquired lands @ Rs.203/- per square meter with 55% deduction on the same. The compensation is payable with all statutory benefits. In First Appeal Nos.1047/2014 and First Appeal No.690/2016 the judgment of the Reference Court in L.A.C.No.82/2008 is partly modified. It is held that the claimants are entitled for compensation for the acquired lands @ Rs.203/- per square meter with deduction of 50% on the same. The compensation is payable with all statutory benefits.

15. In the result, First Appeal Nos. 1028/2014 and 1047/2014 are partly allowed in aforesaid terms. First Appeal Nos. 815/2014, 895/2016, 690/2016 and 11/2018 are dismissed. The parties shall bear their own costs.

The claimants are at liberty to withdraw the balance amount of compensation deposited along with accrued interest. The enhanced compensation be paid to the claimants in accordance with this judgment within a period of four months from today.

JUDGE **JUDGE**

Andurkar..