

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

8 FIRST APPEAL NO.183 OF 2004

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| 1] | The State of Maharashtra | APPELLANT |
| 2] | The Spl. Land Acquisition Officer
[I] Upper Tapi Project [Hathur],
Jalgaon | |
| 3] | The Executive Engineer, Waghur
Project, Jalgaon | |

V E R S U S

Bhika Narsu Koli, Age 70 years, Occ. Agriculture, R/o Kekathimbhora, Taluka Jamner, District Jalgaon	RESPONDENTS
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Mr. S.S. Dande, A.G.P. for the appellants-State
Mr. A.B. Kale, Advocate for the respondent
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CORAM : ANIL S. KILOR, J.

DATE : 30th APRIL, 2021

ORAL ORDER :

The State Government has filed this Appeal challenging the Judgment and Award dated 7th January, 2002 in Land Acquisition Reference No.18 of 2001 enhancing the amount of compensation towards land acquired.

2. The land in question was acquired under Waghur Project. The Notification under Section 4 of the Land Acquisition Act was issued on 2nd October, 1997 and on 12th May, 2000 the Award was passed, whereunder the Special Acquisition Officer has granted Rs.72,150/- per hectare for the land and Rs.15,000/- per hectare for pot-kharab land, which has been enhanced to Rs.3,50,000/- per hectare for bagayat land and Rs.1,75,000/- for jirayat land vide impugned Judgment and Award, in a reference filed by the claimant under Section 18 of the Act on being dissatisfied with the amount granted by SLAO under its award.

3. I have heard learned A.G.P. for the appellants-State and learned counsel Mr. Kale for the respondent.

4. Mr. Kale, learned counsel for the respondent at the outset draws attention of this Court to the Judgment of the Division Bench of this Court dated 25th February, 2009 in First Appeal No.208 of 2008, dismissing the appeal preferred by the Special Land Acquisition Officer.

5. It is submitted that the land involved in the said First Appeal was from the same village and the

same acquisition proceeding and for the same purpose said land was acquired as in the present matter. It is further submitted that the Division Court of this Court, after considering the matter on merit, did not find any substance in the Appeal and, accordingly, appeal was dismissed.

5.1. Mr. Kale, learned counsel for the respondent submits that the present Appeal is covered by the said judgment, which fact is not disputed by the learned A.G.P.

6. In that view of the matter, since in the similar and connected matter which was arising out of the same Land Acquisition proceeding, the Division Bench of this Court has taken a view vide Judgment dated 25th February, 2009. I do not find any reason to take different view.

7. Accordingly, in view of the Judgment dated 25th February, 2009 passed in First Appeal No.208 of 2008, the present Appeal is dismissed. No order as to costs.

(ANIL S. KILOR, J.)