

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

FIRST APPEAL NO. 1318 OF 2006

Manik Bajirao Dharmadhikari
(Died) Through L.Rs.

Bajirao Prakashrao Dharmadhikari and Others ..APPELLANTS

VERSUS

State of Maharashtra and Another ..RESPONDENTS

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Mr. V.V. Bhavthankar, Advocate for appellants

Mr. S.N. Kednre, A.G.P. for respondent no. 1 State

Mr. K.S. Patil, Advocate h/f Mr. S.S. Choudhari, Advocate for respondent no.2

Mr. P.K. Joshi, Advocate for the interveners.

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WITH

FIRST APPEAL NO. 1450 OF 2004

Anirudh Haribhau Sable
(Died) Through L.Rs.

Gangabai Anirudh Sable and Others ..APPELLANTS

VERSUS

State of Maharashtra and Another ..RESPONDENTS

....

Mr. V.D. Salunke, Advocate for appellants

Mr. S.N. Kednre, A.G.P. for respondent no. 1 State

Mr. K.S. Patil, Advocate h/f Mr. S.S. Choudhari, Advocate for respondent no.2

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CORAM : R.G. AVACHAT, J.

DATED : 01st OCTOBER, 2021

PER COURT :

1. These are the left out appeals from the group of First Appeal No. 1304 of 2004 and others. The parties are ad idem to have order similar to

one passed in First Appeal No. 1304 of 2004 by this Court on 26th February, 2019.

2. In view of above and for the reasons given in the appeals, following order is passed :

i) The market value of the lands which are the subject matter of the present appeals, is determined @ Rs. 3.25 p.s per sq.ft. The appellants - claimants are entitled for the compensation towards the acquired lands at the aforesaid rate, deducting 25% of the said amount towards the development charges;

ii) The appellants - claimants are also entitled for the amount of solatium, as provided under Section 23(2) of the Land Acquisition Act, 1894 ("the Act") and the amount of 12% component, as provided under Section 23(1A) of the Act on the enhanced amount of compensation.

iii) Since the acquired lands were taken in possession by invoking the urgency clause, as provided under Section 17 of the Act, the appellants - claimants shall be entitled for the interest under Section 28 as well as under Section 34 of the Act from the date of possession of the lands at the rate prescribed under the aforesaid sections.

iv) It is clarified that the enhanced amount of compensation shall include the amount of solatium as well as the amount of 12% component while calculating the interest under Sections 28 and 34 of the Act.

v) Modified Award be prepared accordingly.

vi) Both the appeals, thus stand partly allowed in the aforesaid terms. Pending civil applications, if any, stand disposed of.

(R.G. AVACHAT, J.)

SSD