

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

FIRST APPEAL NO. 929 OF 2017

Rangnath Ramrao Salunke (Died)
Through LRs.

- A. Kailas Rangnath Salunke
 - B. Nandabai Ramchandra Salunke
 - C. Ganesh Ramchandra Salunke
- All above Age: Major, Occu. Agri.,
R/o. Vaijapur, Tq. Vaijapur,
Dist. Aurangabad

... **Appellants**
(Orig. Claimants)

Versus

- 1. The State of Maharashtra
Through The Special Land Acquisition Officer
(Krushna Khore), Aurangabad
- 2. The Executive Engineer
P. W. D. Aurangabad
Through: Executive Engineer,
Maharashtra State Road Development
Corporation Aurangabad

... **Respondents**

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Mr. D. A. Bide, Advocate h/f Mr. V. B. Wayal, Advocate for appellant
Mr. P. M. Kulkarni, AGP for respondent Nos. 1 and 2

....

CORAM : R. G. AVACHAT, J.

DATED : 17th AUGUST, 2021

PER COURT :-

. Heard. Perused the impugned award and the related
papers relied on.

2. The land(s) belonging to the appellants herein were acquired for construction of Nagpur-Mumbai National Highway. Notification under Section 4 of the Land Acquisition Act was published on 14.11.2002. The award(s) were declared on 27.05.2005. Having been aggrieved by and dissatisfied with the amount of compensation offered by the Special Land Acquisition Officer, the appellants preferred Land Acquisition References (L.A.Rs) for enhancement of compensation. The Reference Court enhanced the compensation to some extent. Having been not satisfied therewith, the appellants preferred the present appeal.

3. Learned Advocate for the appellants relied on the order dated 15.09.2015 passed by this Court (Coram: S. V. Gangapurwala, J.) in First Appeal No.2035 of 2014 and connected group of first appeals, whereunder, the amount of compensation came to be enhanced to Rs.17,100/- per *Are* for irrigated land. Rs.11,400/- per *Are* for unirrigated land and Rs.14,250/- per *Are* for semi irrigated land. The lands of the subject matter of the group of the said appeals were acquired for the very purpose under the same notification under Section 4 of the Land Acquisition Act. The appellants herein, are therefore, entitled to have the same rate of compensation in respect

of their acquired lands. Admittedly, the land(s) of the appellants herein were unirrigated. They are, therefore, entitled to compensation at the rate Rs.11,400/- per *Are*.

4. In view of the above, the appeal partly succeeds in terms of the following order.

ORDER

- (i) The First Appeal is partly allowed.
 - (ii) The awards dated 03.09.2013 passed by the Reference Court in Land Acquisition Reference No. 675 of 2010 is modified, enhancing the amount of compensation to Rs.11,400/- per *Are*.
 - (iii) There was delay of 858 days in preferring this appeal. The appellants would, therefore, not be entitled to interest or any other monetary benefits for the delayed period of 858 days.
 - (iv) Rest of the terms of the impugned awards to stand unaltered.
5. Pending civil application is disposed of.

[R. G. AVACHAT, J.]