

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

FIRST APPEAL NO.181 OF 2002

HANMANT AMRITA LOKHANDE
VERSUS
THE STATE OF MAHARASHTRA

....

Mr. Satish S. Manale, Advocate for the Appellant
Mr. B.V. Virdhe, AGP for the Respondent / State

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 04th DECEMBER, 2021

PER COURT:-

1. Heard Mr. Manale, learned counsel for the appellant and Mr. Virdhe, learned AGP for respondent / State.

2. Mr. Manale has pointed out the order passed by my learned brother (Honourable Shri Justice R.G. Avachat) in civil application no. 11506/2021 in first appeal no.181/2002 dated 21.10.2021. He submits that this Court was pleased to recall the order by allowing the application in terms of prayer clause (B)(C) and (D). Accordingly, the first appeal no.181/2002 is restored to its original position.

3. Mr. Manale, learned counsel for the appellants seeks leave to place on record the copy of the order passed by this Court (Coram: P.R. Bora, J.) dated 21.02.2019 in first appeal no.180/2002.

4. Leave granted. The copy of order dated 21.02.2019 in first appeal no.180/2002 is taken on record and marked as 'X' for identification.

5. Mr. Manale submits that the legal impediment has been removed by taking legal heirs of the appellant on record and accordingly, the appeal is listed for fresh hearing.

6. Mr. Virdhe, learned AGP for the respondent / state concedes the position as pointed out by Mr. Manale, learned counsel for the appellants.

7. On perusing the order passed in the first appeal no.180/2002 dated 21.02.2019, it is revealed that the first appeal no.180/2002 came to be allowed and price of the Irrigated land came to be determined at the rate of 62,500/- per hectare and Rs.50,000/- per hectare for non-irrigated land.

8. In view of the decision of this Court in first appeal no. 180/2002, no separate reasons are required to be recorded. By following the same decision and the rate fixed by this Court, this appeal needs to be allowed in similar terms in view of the fact that the legal heirs of the appellant have been taken on record and the legal impediment has been removed. Present first appeal No.181/2002 is arising out of same award and project.

9. The R & P is yet to be received. However, in view of the submissions of Mr. Manale, learned counsel for the appellants and Mr. Phule, learned AGP for respondent / State, and in view of the decision dated 21.02.2019 in first appeal no.180/2002, no need to wait till the receipt of the R & P. Hence, I proceed to pass the following order:

ORDER

- (i) The market price of the acquired lands which are the subject matter in the present appeal is determined at the rate of Rs.62,500/- per hectare for irrigated land and Rs.50,000/- per hectare for non-irrigated land. The appellants are held entitled to receive the market price for their

acquired lands at the aforesaid rate. The respondent is directed to assess the compensation accordingly and to pay the enhanced amount of compensation to the appellants along with all the statutory benefits and interest as permissible under the provisions of the Land Acquisition Act.

- (ii) The appeal stands allowed in the aforesaid terms. No order as to costs.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane