

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

FIRST APPEAL NO. 141 OF 2013

Maharashtra Industrial Development Corporation, having its office at Marol Industrial Estate, Andheri East, Mumbai and having its Regional Office at By Pass road, Amravati, through its Chief Executive Officer.

.... APPELLANT

// VERSUS //

1. Vimalabai Bhagirath Agrawal,
aged 65 years, Occ. - Agriculturist,
resident of Shrikrishnapeth,
Amravati.
2. Motilal Madanlal Rathi,
aged about 72 years, Occ. Doctor,
resident of Camp Road, Amravati.
- 2a. Kamal Motilal Rathi,
aged about 74 year,s
R/o "Mohar" Camp Road, Amravati.
- 2b. Pravin Motilal Rathi,
aged about 54 years,
r/o Building no. 1. Flat no. 13,
Government Colony, Haji Ali K.S.
Khadye Marg, Mumbai – 400 034
- 2c. Pratik Motilal Rathi,
aged about 51 years,
R/o C/o Amar Executive,
New Ajani Squae, Prahsna Naghar,

Nagpur – 440015

(Amendment carried out as per
Court's order dated 24.10.2018.)

3. Pravin Motilal Rathi,
aged about 45 years, Occ.
Cultivator, resident of camp road,
Amravati.
4. The State of Maharashtra,
through Collector, Amravati.
5. The Sub-Divisional Officer cum
Special Land Acquisition Officer,
Amravati.

.... **RESPONDENTS**

Shri M.M. Agnihotri, Advocate for Appellant.
Shri N.R. Saboo, Advocate for respondent no.2.
Ms. T. Udeshi, A.G.P for respondent nos.4 and 5.
Respondent no. 3 is served.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 12/02/2021.

JUDGMENT :

Heard finally by consent of both the parties.

2. Legal representatives of respondent no.1 are not brought
record. The proceedings against the respondent no.1 are abated.

3. The Appellant herein has challenged the judgment and award dated 13.09.2012 in L.A.C. No.70 of 1998. By the impugned judgment and award, the Reference Court had partly allowed the Reference filed by the original Claimants and directed the Appellant herein to pay compensation at the rate of Rs.1,00,000/- per hector, after deducting the compensation already paid, alongwith statutory benefits.

4. The notification under Section 32(2)(1) of Maharashtra Industrial Development Act, 1961 was published on 14.01.1994 pursuant to which the land ad-measuring 4 H 2 R from Gat No. 32 of village Sawardi was acquired and Award was declared on 20.03.1997 and the original Claimants were paid compensation at the rate of Rs.33,000/- per hector and Rs.1500/- per hector. Being dissatisfied with the quantum of compensation, the original Claimants had sought the Reference. Upon considering the evidence on record, the Reference Court has enhanced the compensation as stated above. Said judgment and Award is under challenge in this Appeal.

5. Learned Counsel for the Appellant has placed on record

copy of the judgment dated 30.08.2016 in First Appeal No. 486 of 2011 wherein the land from same village was acquired by the notification dated 13.01.1994. This Court after considering the material on record has confirmed the rate determined by the Reference court and had dismissed the appeal filed by the Acquiring body. The Reference Court in the said Reference had awarded compensation at the rate of Rs.1,00,000/- per hector and Rs.50,000/- per hector along with all statutory benefits.

6. The land which is subject matter of the present appeal is situated in the same village and is of the same nature. Hence the present case is fully covered by the judgment dated 30.08.2016 in First Appeal No. 486 of 2011.

7. In view of the reasons stated in the said judgment, this Appeal stands dismissed.

JUDGE

Trupti