

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL NO.60 OF 2013

APPELLANT:

Ori. Deft. No.2.
(On RA)

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.

... Versus ...

RESPONDENTS:

Ori. Claimants

1. Vijay Narayanrao Mate,
Aged 54 years, Occ. Agriculturist,
resident of Umri Umarkhed, Akola,
Tahsil and District Akola.

2. Kishore Narayanrao Mate,
Aged 50 years, Occ. Agriculturist,
resident of Umri Umarkhed, Akola,
Tahsil and District Akola.

Ori. Deft.No.1.

3. The State of Maharashtra
through Collector, Akola.

Ori. Deft.No.2.

4. Sub-Divisional Officer and Land
Acquisition Officer, Akola.

Shri Rahat Badar, Advocate h/f Shri M.M. Agnihotri, Advocate for the Appellant.
Shri R.M. Tiwari, Advocate h/f Shri C.A. Joshi, Advocate for Respondent Nos.1 & 2.
Ms. T.H. Udeshi, AGP for Respondent Nos.3 and 4.

WITH

FIRST APPEAL NO.1407 OF 2013

APPELLANT:

Maharashtra Industrial Development

Ori. Deft. No.2.
(On RA) 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.

... Versus ...

RESPONDENTS:

Ori. Claimant
(On RA)

1. Vijay Narayanrao Mate,
Aged 54 years, Occ. Agriculturist,
resident of Umri Umarkhed, Akola,
Tahsil and District Akola.

Ori. Deft.No.1.

2. The State of Maharashtra
through Collector, Akola.

Ori. Deft.No.2.

3. Sub-Divisional Officer and Land
Acquisition Officer, Akola.

Shri Rahat Badar, Advocate h/f Shri M.M. Agnihotri, Advocate for the Appellant.
Shri R.M. Tiwari, Advocate h/f Shri C.A. Joshi, Advocate for Respondent No.1.
Ms. T.H. Udeshi, AGP for Respondent Nos.2 and 3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE OF JUDGMENT : 22nd JANUARY, 2021

P.C.

Learned counsel for respondent No.1/original claimant has filed Civil Application (CAF) No.118/2021 to dispose of the First Appeal No.1407/2013 based on judgment dated 28th February, 2020 passed by this Court in First Appeal No.38/2020.

02] Learned counsel for the appellant concedes that the matter is fully covered by the said judgment and has no objection to dispose of this appeal

as well the First Appeal No.60/2013 on the basis of the judgment dated 28th February, 2020 passed by this Court in First Appeal No.38/2010.

03] I have perused the records. The subject-matter of the First Appeal No.60/2013 is the land under Survey No.58 admeasuring 7.00 hectares situated at village Shivni, whereas the land which is the subject-matter of First Appeal No.1407/2013 is surveyed under No.56 of the same village and admeasures 2.67 hectares. The subject land was acquired for industrial purpose. Notification under Section 32(2) was issued on 13th August, 1992. By award dated 20th March, 1997, the Land Acquisition Officer determined the market rate at the rate of Rs.80,000/-. Being dissatisfied with the quantum of compensation determined by the Land Acquisition Officer, the contesting respondents in the respective appeals filed reference before the Reference Court. The Reference Court after considering the evidence on record, by a common judgment and award dated 20th February, 2012, enhanced the compensation to Rs.1,60,000/- per hectare. This said judgment is under challenge in these appeals.

04] The other land owners whose land was acquired by the same notification had also sought reference claiming enhanced compensation. The said reference being L.A.C. Nos.308/1997 and 312/1997 were disposed of by the Reference Court by a common judgment and award dated 24/08/2009. The acquiring body as well as the land owners had challenged

the said judgment and award passed by the Reference Court in First Appeal No.38/2010 with other connected matters. By judgment dated 28/02/2020, this Court dismissed the appeal filed by the acquiring body, partly allowed the appeals filed by the Land owners and thereby enhanced the compensation to Rs.3,00,000/- per hectare.

05] Learned counsel for the Appellant – Acquiring Body states that the said judgment has not been challenged and that the same had attained finality. A statement has also been made that the subject land is of similar nature and is situated in the same village.

06] The rate of similar land acquired by the same notification has been fixed at Rs.3,00,000/-. Considering the said fact and in view of the reasons stated in the said judgment dated 28/02/2020, these appeals are dismissed.

07] Civil Application under Rule 5 of Order 4 CPC stands disposed in view of dismissal of the appeal.

08] All civil applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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