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

FIRST APPEAL NO.63 OF 2021

APPELLANT: Hiraman Laxman Raut, Aged about
Original Claimant 76 years, Occu. Agriculturist,
On R.A. R/o at post Kurli, Tq. Umarkhed, Dist. Nagpur.

… Versus …

RESPONDENTS: **1.** The State of Maharashtra, through
(Orig. Respondents) District Collector, Yavatmal.
On R.A.

2. The Executive Engineer, Minor Irrigation Department, Pusad, Tq. Pusad, Dist. Yavatmal.

3. The Special Land Acquisition Officer, Lower Pus Project, Pusad, Tq. Pusad, Dist. Yavatmal.

Shri N.Z. Mirza, Advocate for the Appellant.
Mrs. I.P. Khisti, Advocate for Respondent No.2.
Smt. S.S. Jachak, AGP for Respondent Nos.1 and 3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE OF JUDGMENT : 4th MARCH, 2021

ORAL JUDGMENT:-

Learned Counsel for the Appellant and the Acquiring Body state that the matter is covered by judgment dated 03/09/2019 in First Appeal

No.264/2016 with other group matters. Hence, with consent, heard finally at the stage of admission.

02] By this appeal, filed under Section 54 of the land Acquisition Act, 1894, the Appellant has challenged the judgment and award dated 26/11/2008 passed by the Reference Court in L.A.C. No.264/2002. By the impugned judgment and award, the Reference Court has enhanced the compensation from Rs.17,500/- per hectare to Rs.35,000/- per hectare.

03] Learned Counsel for the Appellant states that the land, which was the subject matter of First Appeal No.264/2016 with other group matters, was also acquired by the same notification and for the same purpose. The said land was also situated in the same village i.e. village Kurli and that the nature of both the lands is similar. He states that by the said judgment, this Court had enhanced the compensation to Rs.83,000/- per hectare.

04] It is not in dispute that the subject land and the land which was the subject matter of First Appeal No.264/2016 are situated in the same village and were acquired for the same purpose by the same notification. Both these lands are of similar nature. Hence, in view of the reasons stated in the judgment dated 03/09/2019 in First Appeal No.264/2016, the appeal is allowed. The compensation in respect of the subject land admeasuring 2H. 1R. from Survey No.11 of village Kurli is enhanced to Rs.83,000/- per hectare.

05] The Acquiring Body shall deposit the balance compensation with statutory benefits, except the interest for the delayed period in filing the appeal i.e. from the date of the impugned judgment till the filing of the application, within six months.

06] The impugned judgment and award stands modified accordingly.

07] The appeal stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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