

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

78 FIRST APPEAL NO. 2880 OF 2022

Lalu s/o. Hulaji Nukulwade,
Age: 61 years, Occu : Agriculture,
R/o. Marajwadi, Tq. Mukhed,
Dist. Nanded.

.. APPELLANT
[Ori. Claimant]

VERSUS

1] The State of Maharashtra
Through District Collector, Nanded.

2] Special Land Acquisition Officer,
M.I.W.Nanded.

3] The Executive Engineer,
Vishnupuri Prakalp, Division
No.1, Nanded.
now The Executive Engineer,
Lendi Project,
Division at Deglur,
Tq.Deglur, Dist. Nanded.

.. RESPONDENTS

...

Mr.G.N.Chincholkar, Advocate for the appellant
Mr.A.B.Chate, AGP for the respondent – State
Mr.R.A.Tambe, Advocate for respondent no.3

...
CORAM : S.G.DIGE, J.
DATE : 10.10.2022

P.C. :

1] Challenge in this appeal is the judgment and
award passed by the Civil Judge Senior Division, Link Court,

Mukhed in LAR No.354 of 2007 [Old LAR No.342/2006] [for short 'the Reference Court']. The appellant – original claimant filed this appeal for enhancement of the compensation.

2] The learned counsel for the appellant submits that in connected group of matters out of the same notification and same award, this Court has fixed rate of the acquired lands @ Rs.1,25,000/- per hector for dry land, Rs.1,87,500/- per hector for semi-irrigated land, Rs.2,50,000/- per hector for perennially irrigated land and Rs.62,500/- per hector for pot kharaba land, hence, requested to pass the same order. The learned counsel further submits that the land of the appellant is dry land, hence, the appellant is entitled for the amount of Rs.1,25,000/- per hector. He has tendered a copy of the judgment of this Court [Coram : P.R.Bora, J.] dated 16th January, 2019 in First Appeal No.3133 of 2009 along with connected matters across the bar.

3] Heard the learned AGP for respondent nos.1 and 2 and the learned counsel for respondent no.3.

4] The learned counsel for respondent no.3 submits that appropriate order be passed in view of the judgment of this Court [Coram : P.R.Bora, J.] dated 16th January, 2019 in First Appeal No. 3133 of 2009 along with connected appeals. The learned counsel further submits that the Reference Court has granted interest from the date of possession, as per the view of the Full Bench of this Court in the case of **State of Maharashtra Vs. Kailash Shiva Rangari** reported in **2016 [3] Mh.L.J. 457**, it should be from the date of award.

5] I have heard all learned counsel. Perused the judgment and order passed by the Reference Court. The land of the appellant is acquired for Lendi Major Project from village Marajwadi, Taluka Mukhed, District Nanded. This Court [Coram : P.R.Bora, J.], by judgment and order dated 16th January, 2019 has already disposed of the Appeals out of the same acquisition proceedings and has

awarded rate of Rs.1,25,000/- per hector for dry land, Rs.1,87,500/- per hector for semi-irrigated land, Rs.2,50,000/- per hector for perennially irrigated land and Rs.62,500/- per hector for pot kharaba land, hence, this Court cannot take different view. The appellant's land is dry land.

6] As this Court has decided prices of the acquired lands out of the same project, hence, I pass the following order :

ORDER

i] The appeal is partly allowed.

ii] The appellant is entitled to get enhanced compensation @ Rs.1,25,000/- per hector for acquired land i.e. dry land.

iii] The appellant is entitled for the interest under Sections 28 and 34 of the Land Acquisition Act on the enhanced amount of compensation from the date of passing of the award instead of possession.

iv] The appellant is entitled for the interest on the enhanced amount excluding delayed period, if any.

v] The award be modified accordingly.

vi] Appeal is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC