

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

FIRST APPEAL NO. 251 OF 2016

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| 1. The Executive Engineer
Minor Irrigation Division No.1,
Jalna | |
| 2. State of Maharashtra,
Through Collector, Jalna | |
| 3. The Special Land Acquisition Officer
(Gaothan), Jalna | ... Appellants
(Ori. Respondents) |

Versus

Prabhakar Venkatrao Ghare Age: Major, Occ. Agri., R/o: Kendhali, Tq. Mantha, Dist. Jalna	... Respondent (Ori. Claimants)
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Mr. Ruturaj C. Patil, Advocate for appellants
Mr. D. M. Kakade, Advocate for respondent

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CORAM : R. G. AVACHAT, J.

**RESERVED ON : 07th SEPTEMBER, 2021
PRONOUNCED ON : 21st JANUARY, 2022**

ORDER :-

. This is the acquiring body's appeal, taking exception to the judgment and award dated 30.10.2012, passed by the 3rd Joint Civil Judge, Senior Division, Jalna in Land Acquisition Reference

(L.A.R.) No.537 of 2010, enhancing compensation to Rs.5,625/- per *Are* for seasonal irrigated land.

2. Both the learned Advocates appearing for the respective parties would submit that this appeal can be disposed of in view of the decision in L.A.R. No.584 of 2010 passed by the very Reference Court. A copy of the judgment passed in the said L.A.R. has been placed on record.

3. Perusal of the same does indicates that the Reference Court enhanced compensation to Rs.3750/- per *Are* for unirrigated land.

4. Both the learned Advocates would submit that the judgment and award passed in this L.A.R. has attained finality.

5. The land comprised in the said L.A.R. was acquired for construction of Barbada L.M.I. project, for which the land under the questioned reference has already been acquired pursuant to issuance of one and the same notification under Section 4 of the Land Acquisition Act.

6. For the aforesaid reasons, the First Appeal is allowed in terms of the following order:

ORDER

- (i) The impugned award is modified, granting compensation of Rs.3,750/- per *Are* for the subject land.
- (ii) Rest of the terms of the impugned award to stand unaltered.
- (iii) The amount in deposit with this Court, be paid in terms of this order along with interest accrued thereon. The balance amount be paid back to the appellant – acquiring body with interest accrued thereon.

[R. G. AVACHAT, J.]

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