

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

FIRST APPEAL NO. 1711 OF 2021

Madhav S/o Laxman Suryawanshi
Age : Major, Occ : Agri.,
R/o Dudh Sankalen Kendra,
Kardkhed, Tq. Deglur,
Dist. Nanded

APPELLANT
(Original Claimant)

VERSUS

1. The State of Maharashtra
Through the District Collector,
Nanded.
2. The Special Land Acquisition Officer,
Krishna Khore, Collector Office,
Nanded.
3. The Executive Engineer,
Vishnupuri Project Division No.1,
Nanded.

...RESPONDENTS

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Advocate for Appellant : Mr.A.A. Joshi h/f Mr. S.V. Natu
AGP for respondent nos.1 and 2 : Mr.S.S. Dande
Advocate for respondent no.3 : Mr.Suresh W. Mundhe

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CORAM : S.G.DIGE, J.

RESERVED ON : 20/07/2022
PRONOUNCED ON : 23/08/2022

JUDGMENT :

The challenge in this appeal is to the judgment

and award passed by the Civil Judge, Senior Division, Kandhar in L.A.R. No.39/2004.

2. Brief facts of the case are as under :-

The house no.136 admeasuring 56.80 Sq. Mtrs of appellant was acquired by the respondent authorities. The compensation of Rs.1,53,375/- was awarded against the said acquisition by the Special Land Acquisition Officer. Feeling aggrieved, the appellant filed a reference under section 18 of the Land Acquisition Act, 1894 (for short, "L.A. Act") before the Civil Judge, Senior Division, Kandhar. The Reference Court allowed the Reference of the appellant and enhanced the compensation to Rs.2,04,500/-. Against the said judgment and order, the present appeal.

3. The learned counsel for the appellant submits that this Court has already decided 49 appeals connected with this appeal. He has placed on record the copy of the common order dated 30th March, 2022 passed by this Court

(Coram : Shrikant D. Kulkarni, J) in First Appeal No.1712/2021 and others and the common order dated 2nd August, 2017 passed by this Court (Coram : V.K. Jadhav, J) in First Appeal No.669/2015 and others.

4. Mr.S.S. Dande, the learned A.G.P. for respondent nos.1 and 2 and M.S.W. Mundhe, learned counsel for respondent no.3 fairly submitted that this appeal is arising out of the same project, same notification and same village of which the appeals are disposed of by this Court.

5. Considering the submissions of all the learned counsel and the decisions given by this Court, there is no need to go into details of these appeals, when this Court has already decided group of appeals by recording detailed reasons. In view of the above, I do not see any reason to take different view. Hence I pass the following order :-

ORDER

(A) The appeal is partly allowed.

(B) The Judgment and award passed by the Reference

Court in L.A.R. No.39/2004 stands modified as under :-

- (i) The appellant/claimant is entitle for compensation at enhanced rate by giving rise of 40% more for construction costs and compensation for the open space at the enhanced rate of Rs.80/- per sq. mtrs.
- (ii) The appellant/claimant is further entitle for all the statutory benefits as awarded by the Reference Court except the interest from the date of section 4 notification under sections 28 and 34 of the Land Acquisition Act.
- (iii) The appellant/claimant is however entitle to get interest under sections 28 and 34 of the Land Acquisition Act from the date of award till realization of the amount.
- (iv) The amount earlier paid by the acquiring body shall be deducted while making calculation of enhanced compensation. The appellant/claimant would get remaining difference amount in above terms.

- (v) The civil application, if any, also stands disposed of.
- (vi) No order as to costs.
- (vii) The award be modified accordingly.
- (viii) The first appeal stands disposed of.

[S.G.DIGE]
JUDGE

SGA/-