

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 966 OF 1996

Sharad Baburao Isnagar (since
deceased through legal heirs) :
Mangala Sharad Isnagar and ors. Appellants
v/s.
The State of Maharashtra Respondent

**WITH
FIRST APPEAL NO. 965 OF 1996**

The State of Maharashtra Appellant
v/s.
Sharad Baburao Isnagar Respondent

Mr. Ajinkya Jaibhave for the Appellant in FA/966/1996.
Mr. Y.Y. Dabke, AGP for the State in FA/965/1996 and
for the Respondent in FA/966/1996.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 06th OCTOBER, 2022.

P. C. :-

. The Claimant in Land Reference No.561/1989 as well as the
State of Maharashtra has challenged the judgment dated 26/10/1994
in Land Reference No.561/1989.

2. During the pendency of the Appeals, the original Claimant –
Sharad Baburao Isnagar expired. The legal representatives of the

original Claimant are brought on record in First Appeal No.966/1996 filed by the Claimant. Despite notice of the death, the State has not brought on record the legal representatives of the sole Respondent in First Appeal No.965/1996. As a result, the Appeal filed by the State stands abated.

3. Heard Mr. Jaibhave, learned counsel for the Appellant and Mr. Dabke, learned AGP for the State in FA/966/1996. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. The Respondent – Sttae had acquired land admeasuring 10,000 sq. meters from Survey No.913/3/2 situated at village Morwadi Shivar Kasbe, Dist. Nashik for the purpose of land development and utilization of Nashik notified area for industrial, residential and commercial purpose. Notification under section 126 was published on 20/08/1981. The award under section 11 of the Land Acquisition Act was passed on 12/02/1986. The Land Acquisition Officer classified the land into two zones i.e., zone 4 (developed land) and zone 5 (undeveloped land) and awarded compensation of Rs.6/- per sq. meter for developed land and Rs.4/- per sq. meter in respect of undeveloped land. The owners of the

adjoining land whose land was also acquired for the same purpose, accepted the compensation under protest and filed reference under section 18 of the Land Acquisition Act. The Reference Court enhanced the compensation to Rs.29/- and Rs.33/- per sq. meter in respect of developed land and Rs.27/- per sq. meter in respect of undeveloped land. Being aggrieved by the quantum of compensation awarded by the Reference Court, the Appellant – Claimant has filed this Appeal under section 54 of the Land Acquisition Act.

5. Learned counsel for the Appellant has placed on record copy of the judgment dated 31/01/2008 in First Appeal No.251/1996 with other group matters, wherein in the connected Appeals arising from the same notification, the Division Bench of this Court had enhanced the compensation to Rs.58.80/- per sq. meter in respect of the developed land and Rs.53.55/- in respect of the undeveloped land. The subject land was also acquired by the same notification. The case is squarely covered by the judgment dated 31/01/2008. Hence, considering the reasons stated in the judgment dated 31/01/2008, the following order is passed :-

(a) First Appeal No.966/1996 filed by the claimant is allowed.

(b) The claimants would be entitled to receive compensation for acquisition of their lands at the rate of Rs.58.80/- per sq. meter and Rs.53.55/- per sq. meter for developed (advantageous group) and undeveloped (other than advantageous group) lands respectively.

(c) The claimants would be entitled to the extra benefit of section 23(1A) of the Acquisition Act from 01/04/1982 till the date of the award i.e., 12th February, 1986.

(d) The claimants will also be entitled to the benefit of Section 28 of the Acquisition Act in accordance with law.

6. Appeals stand disposed of in above terms.

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JAYANI

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(SMT. ANUJA PRABHUDESSAI, J.)