

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

FIRST APPEAL NO.550 OF 2022

Smt. Gitabai w/o Sadanand Nirpase,
Aged 58 years,
Occupation-Cultivator,
R/o. Dehni, Tah. Digras,
District-Yavatmal.

.. Appellant

.. Versus ..

1] The State of Maharashtra,
through Collector, Yavatmal.

2] The Collector, Yavatmal,
District-Yavatmal.

3] The Land Acquisition Officer and
Sub-Divisional Officer, Darwha,
Tah. Darwha, District-Yavatmal.

.. Respondents

.....
Shri Gunjan R. Kothari, Advocate for the Appellant,
Ms. H.N. Jaipurkar, Assistant Govt. Pleader for the Respondents.
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CORAM : SMT. M.S. JAWALKAR, J.
RESERVED ON : 10.08.2022.
PRONOUNCED ON : 20.08.2022.

ORAL JUDGMENT :

Heard the matter finally at the stage of admission with
the consent of the learned counsel for the parties.

2. Present appeal is filed by the appellant for enhancement of compensation arising out of Land Acquisition Case No.102/1997 decided on 02.01.2004.

3. By the said judgment, L.A.C. No.100/1997 was also came to be decided. The judgment in L.A.C. No.100/1997 was under challenge before this Court in First Appeal No.304/2017. The said appeal is disposed of by this Court vide judgment dated 04.02.2020. L.A.C. Nos.100/1997 and 102/1997 arising out of the same Award, the market value of the land fixed by this Court in First Appeal No.304/2017, which shall be applied in the present appeal. The value of the land is fixed by the judgment in First Appeal No.304/2017 is Rs.38/- per sq. ft.

4. Accordingly, the present appeal is allowed in terms of judgment in First Appeal No.304/2017 by taking into consideration the value of the land as Rs.38/- per sq. ft. Acquired land of the appellant in this appeal is 1.54 Hectare for which, calculation of compensation is as under :

- (a) 1.54 Hectares which comes to 165764.2 sq.ft.
(1.54 Hectares = 3.80 Acre)
- (b) 33% area deducted for development i.e. 54702.2 sq.ft.
- (c) The appellant is entitled for compensation deducting 33% area for development charges is 111062 sq.ft.
(165764.2 – 54702.2 sq.ft. = 111062 sq.ft.)
- (d) Total amount of compensation is (111062 sq.ft. x Rs.38/-per sq.ft.) Rs.42,20,356/-.

5. In that view of the matter, appeal is partly allowed.
6. The appellant is entitled for total compensation of Rs.42,20,356/- (at the rate of Rs.38/- per sq.ft.).
7. The appellant is entitled for all the benefits under the Land Acquisition Act, except interest for delayed period of 5879 days, as per order dated 08.06.2022.
8. The respondents are directed to deposit the enhanced amount of compensation along with consequential benefits within

a period of four months from today. After deposit of the said amount, the claimant-appellant is entitled to withdraw the same.

(SMT. M.S. JAWALKAR, J.)

Gulande