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6-fa640-12 judgment

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

FIRST APPEAL NO. 640 OF 2012

APPELLANT:

Vijay s/o Narayanrao Mate,
Aged about 58 years, Occu: Agriculturist,
R/o Umar, Umarkhed, Akola Tah. &
Dist. Akola

Vijay s/o Narayanrao Mate (Dead) thr. LR's

Corrected as per Court's order
dated 24/01/2025

- 1 (a) Sau. Sheela wd/o Vijayrao Mate,
a/a 62 years, Occu: Household work,
- 1 (b) Rajesh s/o Vijayrao Mate,
a/a 42 years, Occu: Cultivator,
- 1 (c) Nilesh s/o Vijayrao Mate,
a/a 40 years, Occ: Cultivator,
Nos. 1 to 3 r/o Near Hanuman Temple,
Chhoti Umari-Akola, Tq. and Distt. Akola.
- 1 (d) Sau. Pranjali w/o Rishikesh Pundekar,
a/a 37 years, Occ: Household work,
r/o Near Pushpanjali Mangal Karyalay,
Akot, Tq. Akot, Distt. Akola.

...VERSUS...

RESPONDENTS

- 1. The State of Maharashtra,
through Collector, Akola
Tq. & District. Akola.
- 2. The Sub-Divisional Officer and Land
Acquisition Officer, Akola,
Tq. and District Akola.
- 3. The Maharashtra Industrial Development
Corporation, Mumbai through its Regional
Officer, M.I.D.C. Amravati, Tq. and
Dist. Amravati.

Shri C.A. Joshi, counsel for appellant.
Shri N.R.Patil, AGP for respondent Nos. 1 and 2.
Shri M.M. Agnihotri, counsel for respondent No.3.

CORAM : S.M. MODAK, J.
DATE : 17/06/2022

ORAL JUDGMENT :

1. The learned Reference Court at Akola, as per the judgment dated 20/02/2012 has enhanced the compensation to Rs. 1,60,000/- per hectare. The two L.A.R. Nos. 505/1997 and 527/1997 were decided. The present appellant was the sole claimant in L.A.R. No. 505/1997 and was joint claimant in L.A.R. No. 527/1997. This appeal is preferred only in L.A.R. No. 505/1997.

2. Though the learned Advocate for the appellant is not present, as per the Civil Application No. 27/2021. He has requested to grant compensation @ Rs. 3,00,000/- per hectare, on the basis of the judgment given by this Court in First Appeal No. 38/2010 and other connected appeals on 28/02/2020. Its copy is filed on record.

3. Accordingly, I have heard Shri N.R.Patil, learned AGP for respondent Nos. 1 and 2 and Shri M.M. Agnihotri for respondent No.3/ acquiring body. In the mean time learned advocate Shri Joshi. All of them

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have taken me through various dates as mentioned in the judgment under challenge and various dates mentioned in the judgment relied upon by the appellant. There is a consensus that the same rate of compensation of Rs. 3,00,000/- per hectare can be granted to the appellant because there are similar circumstances.

4. The land of this appellant situated at village Shivni, District Akola was acquired for Industrial Growth Center. When I have considered the dates mentioned in the judgment of the learned Reference Court and the dates mentioned in the judgment relied upon, the following are common relevant dates:-

01	Notification dt.31/08/1991	Published in the gazette on 19/09/1991.
02	M.I.D.C. Act made applicable to the area of proposed acquisitions	20/09/1991
03	Notification under Section 32 (2) of the M.I.D.C. Act published.	13/08/1992
04	Proposed acquisition	Establishment of Industrial Growth location of the land Shivni, Dist. Akola
05	Used of the land	Agricultural

5. The award, in this case, was declared on 20/03/1997. Special Land Acquisition Officer has offered an amount of Rs. 80,000/- per hectare, whereas the learned Reference Court has enhanced it to Rs. 1,60,000/- per hectare. Whereas in the referred judgment, this Court

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has enhanced it to Rs. 3,00,000/-. If the above circumstances are considered, the appellant is entitled to get the rate of Rs. 3,00,000/- per hectare as fixed by this Court in the referred judgment. The area of land belonging to the appellant covered in L.A.R. No. 505/1997 is survey No. 56. Area mentioned is 2.67 Hectares and 2.68 Hectares in the table reproduced in the judgment of the learned Reference Court. The appellant will be entitled to get enhanced rate for this area.

6. Apart from that the appellant is entitled to get other benefits.

In view of that, following order:

ORDER

- i] The First Appeal is allowed.
- ii] The judgment passed by the learned Reference Court in L.A.R. No. 505/1997, is modified and the appellant is entitled to get enhanced compensation at the rate of Rs. 3,00,000/- per hectare for the land as described above along with all consequential benefits.
- iii] The amount already received will be deducted from that amount.
- iv] If at all the M.I.D.C. has deposited any amount before the learned Reference Court interest on that amount is

waived.

v] The respondent No.3 to pay the remaining amount of compensation within eight months from today.

Sd/-
JUDGE

Name of the legal heirs is corrected as per Court's order dated 24/01/2025 passed in Civil Application (CAF) No. 3353 of 2024.

(SANDIPKUMAR C. MORE)