

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

FIRST APPEAL NO. 2787 OF 2019

Dhanraj s/o Dayaram Mali
Age : Years, Occu. : Agriculture
R/o. Village Shewade, Tq. Sindkheda
Dist. Dhule.

.. Appellant
(Original Claimant)

Versus

1. The Special Land Acquisition Officer
Medium Irrigation Project, Dhule.
2. The Collector, Dhule.
3. The Executive Engineer
Medium Project Division No. 2
Sinchan Bhavan,
Sakri Road, Dhule
Tq. & Dist. Dhule.

.. Respondents
(Original Respondents)

Mr. P. M. Pingle, Advocate for the Appellant.
Mr. S. B. Pulkundwar, AGP for Respondent Nos. 1 and 2.
Mr. Vivek V. Tarde, Advocate for Respondent No. 3.

CORAM : KISHORE C. SANT, J.

DATED : 27th OCTOBER, 2023.

ORAL JUDGMENT :-

. Heard the parties.

2. This appeal is preferred by the claimant challenging the judgment and award passed by the learned Reference Court wherein,

the learned Reference Court awarded rate of Rs. 1,10,000/- per hectare for dry land (Jirayat) and Rs. 2,20,000/- for irrigated land (Bagayat land). The grievance of the claimant – appellant is that the learned Reference Court has not considered the sale instances properly and has arrived at erroneous conclusion and granted inadequate compensation for the lands. All the lands were acquired for the Wadi Shewadi project.

3. Learned advocate for the appellant submits that, some of the claimants similarly situated like the present claimant had filed x-objections/appeals before this Court. This Court in those cases considered the judgment in the case of **Special Land Acquisition Officer and another Vs. Bhagwat Vitthal Sonawane** reported in **(2009) 4 Mh.L.J. 308**. The Division Bench of this Court in the said matter granted rate of Rs. 2,00,000/- per hectare for dry land or non irrigated land and Rs. 4,00,000/- per hectare for irrigated land. Learned advocate submits that on the basis of the said judgment even the matters were settled in the National Lok Adalat i.e. First Appeal (Stamp) No. 3196/2015 and other connected matters. In the National Lok Adalat it is also accepted by respondent No. 3 and accepted the rate at Rs. 2,00,000/- per hectare for non irrigated land. In this case also land is non irrigated land. Learned advocate therefore submits

that, the claimant in this appeal also is entitled to receive same rate as granted to others similarly situated.

4. Learned advocate for respondent No. 3 fairly accepts this position. He submits that before the National Lok Adalat the settlement was entertained by respondent No. 3.

5. Considering the said position this Court finds that, the present appeal can be disposed off in view of the judgment passed by the Division Bench of this Court in the case of **Special Land Acquisition Officer and another** (supra) and in view of the matters settled before the National Lok Adalat dated 08.09.2018.

6. In view of the same, the present appeal stands disposed off.

7. The appellant shall be entitled to received the compensation at the rate of Rs. 2,00,000/- per hectare. The award be modified accordingly.

8. Needless to say that other benefits like interest will be granted as per law by considering the value at the rate of Rs. 2,00,000/- per hectare.

(KISHORE C. SANT, J.)

PS.B.