



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 3640 OF 2019

Govind Shivrudra Patil
VERSUS
The State Of Maharashtra And Ors

.....
Me. Suraj V. Gundre, Advocate for Appellant
Mr. D.B. Bhange, AGP for Respondent Nos. 1 and 2
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21st DECEMBER, 2023

ORDER :

1. House No.464 (G.P. No.71) admeasuring 63 Sq. meters of village Sangamwadi, Taluka Chakur, District Latur belonging to appellant/claimant was acquired by the Government of Maharashtra for Sangamwadi/Shelgaon Minor Prakalp through file No.2001/LNQ/CR/Sp/06. House properties of other claimants from the same village were also acquired for the said project and common award was passed. In Land Acquisition Reference No.716 of 2009 filed by the claimant, Reference Court has enhanced the compensation @ 90% Sq. meter and directed to pay 30% Solatium, 12% additional component and 9% interest on enhanced compensation for the first year from the date of notification, and for subsequent years 15% interest till realization.

2. Claimants in Land Acquisition Reference No.712/2009 and claimants in other References approached this Court by filing First Appeal Nos.2431/2021, 2432/2021, 2433/2021, 2434/2021, 2435/2021, 2436/2021, 2437/2021 and 2438/2021. These first appeals were disposed of by common judgment dated 22.07.2022 by this Court (Coram : S.G. Dige, J.). By the said order, this Court partly allowed the appeals and remanded the matters back to the Reference Court for fresh hearing by giving opportunity to all parties to lead evidence in respect of sale instances and for argument.

3. Learned advocate for appellant and learned Assistant Government Pleader agree that present matter is also covered by the same order.

4. In that view of the matter, for the reasons stated in order dated 22.07.2022 in First Appeal No.2431/2021 and connected matters, following order is passed:

ORDER

- (I) Appeal is partly allowed.
- (II) Matter is remanded to the learned Reference Court for fresh hearing by giving opportunity to all parties to lead evidence iMotion is allowed. n respect of sale instances and for argument.

- (III) The learned Reference Court is requested to dispose of the matter as early as possible within six months.
- (IV) The appellant is not entitled fMotion is allowed. or the interest for delayed period of the appeal.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane