

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

FIRST APPEAL NO. 365 OF 2009

DAGADU APPARAO KHARAT THR LRS

VERSUS

THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Appellant : Mr. S. R. Yadav

AGP for Respondent No.1 and 2/State : Mr. S.M. Ganachari

Advocate for Respondent No.3 and 4 : Mr. Krushna P. Rode h/f Mr. Rodge
Pratap Govindrao

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 7th DECEMBER 2023.

Per Court :

. Heard.

1. Learned Counsel Mrs. Jape who was initially appearing for respondent no.3 and 4 requests to discharge her appearance as she is replaced by new Panel Advocate. Her appearance is discharged.
2. The learned Counsel for the appellant has placed on record order passed by the Lok-Adalat on 12.03.2022 alongwith the terms of compromise. By common judgment and order dated 04.01.2007 in all four references are decided by the learned Adhoc District Judge-II, Parbhani. The present appeal is arising out of L.A.R No.43/2000. Other references are decided in Lok-Adalat, referred above.
3. The learned Counsel for the appellant submits that on the ground of parity, the appellant is entitled to rate which is agreed by the

acquiring body before the Lok-Adalat.

4. Learned Counsel appearing for respondent no.3 and 4 has no serious objection for the submission advanced by the appellant. He agrees for disposing of the appeal in accordance with the rate which is prescribed and agreed between the parties before the Lok-Adalat.

5. In the present matter, the respondent no.3 i.e. Executive Engineer, Selu has arrived at the compromise to settle the matter as per the compensation awarded by the Special Land Acquisition Officer (SLAO) at the rate of Rs.36000/- per hector for land Gat No.96 ad-measuring 2H 61R. Considering the terms of settlement presented before the Lok-Adalat, the appellant is entitled to rate of four times of Rs.36000/- per H. It comes to 1,44,000/- per hector. The same is in consonance with award passed by Lok-Adalat.

6. The appellant is entitled to the compensation at the rate of Rs.1,44,000/- as per the terms of settlement alongwith consequential benefits.

7. The acquiring body shall deposit the compensation within a period of one year from today. The appellant/claimant shall be at liberty to withdraw the same alongwith interest, if so deposited.

8. The appeal is disposed of in the above terms. An award shall be drawn accordingly.

[SHAILESH P BRAHME, J.]

Najeeb.