



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

FIRST APPEAL NO. 104 OF 2023

APPELLANT

(Original
petitioner/claimants on
R.A.)

:

Hari Narayan Adhagale
Aged about 78 years,
Occupation – Agriculturist
R/o. Kurli, Tah. Umarkhed,
District Yavatmal

//VERSUS//

RESPONDENTS

(Original N.A.) on R.A.

:

1. The State of Maharashtra,
through Collector, Yavatmal,
Tah. and District - Yavatmal
2. The Executive Engineer,
Minor Irrigation Division, Pusad,
District – Yavatmal.
3. The Special Land Acquisition Officer,
Lower Pus Project, Pusad, Tah. Pusad
Dist. Yavatmal

Mr. V.N. Patre, Advocate for the Appellant.

Mr. M.A. Kadu, Advocate for Respondent Nos.2.

Mrs. Mrunal Naik, AGP for Respondent Nos.1 and 3.

CORAM : G. A. SANAP, J.

DATED : 12th OCTOBER, 2023.

ORAL JUDGMENT

Heard.

2. ADMIT.

3. In this appeal, challenge is to the judgment and award dated 31.01.2009 passed by learned Civil Judge, Senior Division Pusad, (hereinafter referred to as Reference Court) in L.A.C. No.328/2002, whereby the reference application filed by the appellant was partly allowed.

4. The land bearing survey No.37 admeasuring 1.16 H.R. belonging to the appellant situated at village Kurli Taluka Umarched, District Yavatmal was acquired for the purpose of Amdapur Project. Notification under Section 4(1) of the Land Acquisition Act was issued on 21.08.1997 and Land Acquisition Officer passed award on 27.11.2000 and awarded compensation at the rate of Rs.20,000/- per hectare. In the reference application, compensation was awarded at the rate of Rs.40,000/- per hectare. Being aggrieved by the judgment and award, the appellant is before this Court.

5. I have heard Mr. V.N. Patre, learned Advocate for the appellant, Mrs Mrunal Naik, learned AGP for respondent Nos.1 and 3 and Mr. M.A. Kadu, learned Advocate for respondent Nos.2

Perused the record and proceedings.

6. Learned Advocate for the appellant as well as learned AGP for respondent Nos.1 and 3 submit that this appeal is covered by the decision rendered by this Court in **First Appeal (St). No.2525 of 2022 (Smt. Anusaya Kanbarao Manikwad Vs. The State of Maharashtra and Ors.) decided on 16.11.2022**. It is pointed out that the subject matter of said appeal was dry crop land and in the said appeal, the compensation awarded by this Court is at the rate of Rs.83,000/- per hectare.

7. The appellant's land in this appeal as well as land in the above appeal are similarly situated lands. Lands were from the same village and acquired for the same project. Therefore, this appeal can be disposed of being covered by the above judgment.

8. The First Appeal is partly allowed.

9. The appellant is entitled to get the compensation at the rate of Rs.83,000/- (Rupees Eighty Three Thousand Only) per hectare in respect of land which is the subject matter of the appeal with interest and other statutory benefits.

10. The appellant will not be entitled to get interest and other benefits for delayed period of 3971 days.
11. The respondent No.2 shall deposit the balance/difference amount within twelve weeks.
12. The appellant is requested to pay the deficit Court fee on the enhanced amount of compensation. If the deficit Court fee is not paid by the appellant, then the same shall be recovered/deducted from the enhanced compensation amount.
13. First Appeal stands disposed of with no order as to costs.

(G. A. SANAP, J.)