



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

FIRST APPEAL NO. 450 OF 2023

APPELLANT

: Nanu Wasram Ade (Dead) through his legal heirs

1. Atmaram Nanu Ade,
Aged about 68 years, Occu.
Agriculturist
2. Nirmalabai Pandit Munde,
Aged about 46 years, Occu.
Household
3. Smt. Shobha Prakash Rathod,
Aged about 41 years, Occ. Household
4. Ganesh Nanu Ade,
Aged about 54 years, Occ.
Agriculturist
5. Sau. Bibi Gangaram Jadhav,
Aged about 43 years, Occ. Household
6. Dattaram Nanu Ade, (Dead),
Through his legal heirs,
 - a) Laxmibai Dattaram Ade,
aged about 50 years, Occu.
Agriculturist.
 - b) Baliram Dattaram Ade,
Aged about 22 years, Occ. Nil.
 - c) Lalhan Dattaram Ade,
Aged about 19 years, Occ. Nil.
 - d) Jaishree Durgadas Jadhav,
Aged about 25 years, Occ. Household
 - e) Maya Lakhan Rathod,
Aged about 23 years, Occ. HouseholdAll the above appellants are R/o at Post
Amdapur, Tq.Umarkhed, Dist.

Yavatmal

//VERSUS//

RESPONDENTS
ON RA

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

Mr. A.I. Sheikh, Advocate for the Appellants.

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

Ms Deepa Charlewar, AGP for Respondent Nos.1 and 3.

CORAM : G. A. SANAP, J.

DATED : 12th OCTOBER, 2023.

ORAL JUDGMENT

Heard finally with consent of learned Advocates for the parties.

2. ADMIT.

3. In this appeal, challenge is to the judgment and award dated 20.10.2006 passed by learned Civil Judge, Senior Division

Pusad, (hereinafter referred to as Reference Court) in L.A.C. No.355/2002, whereby the reference application filed by the appellant was partly allowed.

4. The land bearing survey No.56 admeasuring 2H.20 R. belonging to the appellants situated at Mouza Amadapur was acquired for the purpose of Amdapur Project. Notification under Section 4(1) of the Land Acquisition Act was issued on 07.11.1996. The Land Acquisition Officer passed award on 09.05.2000 and awarded compensation at the rate of Rs.30,000/- 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 appellants are before this Court.

5. I have heard Mr. A.I. Sheikh, learned Advocate for the claimants/legal heirs, Ms Deepa Charlewar, 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 claimants/legal heirs 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**

No.355 of 2018 (Ramrao Masaji Dantalwad Vs. State of Maharashtra and Ors.) decided on **10.12.2018**. It is pointed out that in the said appeal, the compensation awarded by this Court is at the rate of Rs.83,000/- per hectare.

7. The claimants/legal heirs land in this appeal as well as land in the above appeal are similarly situated lands. They 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 claimants/legal heirs are 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 claimants/legal heirs will not be entitled to get interest and other benefits for delayed period of 4807 days.

11. The respondent No.2 shall deposit the balance/difference amount within twelve weeks.

12. The claimants/legal heirs are requested to pay the deficit Court fee on the enhanced amount of compensation. If the deficit Court fee is not paid by the claimants/legal heirs, then the same shall be recovered/deducted from the enhanced compensation amount.

13. First Appeal stands disposed of. No order as to costs.

(G. A. SANAP, J.)