

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

FIRST APPEAL NO.446 OF 2015

Vasant S/o Baburao Rewatkar
Aged 60 years, Occ: Agriculturist
through Power of Attorney Holder
Shri Shantaram s/o Bapurao Rewatkar
Aged about 55 years, Occ: Service,
R/o Amner, Tq. Wardu, Dist. Amravati.

... APPELLANT
(Org. Claimant on R.A.)

...VERSUS...

1. State of Maharashtra,
Through Collector, Collector Office, Camp,
Amravati, Tq. and Dist. Amravati.
- 2 The Special Land Acquisition Officer,
Collector Office, Amravati, Tq. and Dist.
Amravati.

... RESPONDENTS
(Org. Respondent on R.A.)

Shri P.R. Agrawal, Advocate for appellant.
Ms T.H. Udeshi, AGP for respondents.

CORAM : SMT. M.S. JAWALKAR, J.
DATED : JUNE 16, 2023.

ORAL JUDGMENT :

1. Heard learned counsel for the appellant and learned
AGP for respondents. Perused the record.

2. The appellant is original claimant, who has filed
reference under Section 18 of the Land Acquisition Act. The

respondents had issued notification under Section 4 of the Land Acquisition Act on 16.07.1993, for acquisition of land of Mouza Ismailpur, Tahsil Warud, District Amravati. The appellant is the owner of field Survey no.57, admeasuring 2 Acre 1 Gunthas of Mouza Ismailpur. The respondent no.2 has passed an award under Section 12 of the Land Acquisition Act thereby granted compensation of Rs.23,954/-.

3. It is submitted that the claimant has filed reference under Section 18 thereby claimed compensation for his acquired land at the rate of Rs.2,50,000/- per hectare. The learned Reference Court was pleased to partly allow the reference and granted compensation at the rate of Rs.50,000/- alongwith statutory benefits. It is contended that the learned Reference Court has granted compensation to the land owners whose land were acquired under same notification at the rate of Rs.50,000/- per acre with statutory benefits. Therefore, the appellant filed application under Section 114 for review read with Section 151 of the Code of Civil Procedure. However, same was rejected by learned Reference Court vide order dated 05.04.2013. In view

thereof, the present appellant is challenging the order passed by the Reference Court.

4. It is submitted that the learned Reference Court has granted compensation in Land Acquisition Case no.45/2002 (Vithoba Nathhuji Patil Vs. State of Maharashtra) at the rate of Rs.50,000/- per acre.

5. Learned AGP submitted that there was order passed by the learned Reference Court in Land Acquisition Case no.45/2002 and as referred in Ground No.(iii) of appeal, on perusal of judgment in Land Acquisition Case no.45/2002, there is no dispute that amount of compensation was granted at the rate of Rs.50,000/- per acre in the said reference proceedings.

6. In view thereof, the judgment and award dated 22.01.2008 passed by the learned 5th Adhoc District and Sessions Judge, Amravati in Land Acquisition Case no.50/2002 is hereby modified as under:

- (i) The rate of land is fixed as Rs.50,000/- per acre alongwith statutory benefits.

(ii) Rest of the order is hereby maintained.

(iii) The respondents to pay amount of compensation within a period of three months in Reference Court.

(iv) No order as to costs.

(SMT. M.S. JAWALKAR, J.)

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