



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

FIRST APPEAL NO. 967/2023

APPELLANT
(on R.A.)

: Baburao Gopal Raut (Dead)
through LRs
Prabhavati Baburao Raut (Dead)
1. Dattatray Baburao Raut
Aged about 50 years, Occu:
Agriculturist
R/o Dehani, Tq. Babhulgaan Dist
Yavatmal

//VERSUS//

RESPONDENTS
(on R.A.)

- : 1. State of Maharashtra,
through Collector, Yavatmal,
2. The Special Land Acquisition Office
Benefitted Zone (For Bembla Project)
Yavatmal Dist: Yavatmal
3. The Executive Engineer,
Bembla Project, Div. Yavatmal,
Tq & District – Yavatmal.

Mr. P. Rathi, Advocate h/f Mr. L.B. Rathi, Advocate for the Appellant.
Mrs. Mrunal Naik, AGP for Respondent Nos.1 and 2.
Mr M.A. Kadu, Advocate for Respondent Nos.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 28.08.2006 passed by 2nd Adhoc Additional District Judge, Yavatmal (hereinafter referred to as Reference Court) in L.A.C. No.125/2005, whereby the reference application filed by the appellant was partly allowed and the compensation for acquired land was enhanced of Rs.80,000/- per hectare.

4. The land of the appellant bearing Gat No. 72 admeasuring 3 H 53 R was acquired for Bembla Project. Notification under Section 4(1) of the Land Acquisition Act was issued on 31.12.1998 and Land Acquisition Officer passed award on 26.02.2001 and awarded compensation at the rate of Rs.56,510/- (Rs. Fifty Six Thousand Five Hundred and Ten only) per hectare. In the reference application, the compensation was enhanced as above. Being aggrieved by the judgment and award, the appellant/claimant is before this Court.

5. I have heard Mr. P. Rathi, learned Advocate for the

appellant/claimant, Ms Prachi Joshi, learned AGP for respondent Nos.1 and 2 and Mr. M.A. Kadu, learned Advocate for respondent Nos.3 Perused the record and proceedings.

6. Learned Advocate for the parties submit that this appeal is covered by the decision rendered by this Court in **First Appeal 362 of 2008 (Suresh s/o Gulabrao Choudhary (Dead) through legal heirs and another Vs. The State of Maharashtra and Ors.) decided on 17.01.2019**. It is stated that in First Appeal No.362/2008 in respect of similarly situated land at village Dehani Taluka Babhulgaon District Yavatmal acquired for same project, the compensation was granted at the rate of Rs.1,60,000/- (Rs. One Lakhs Sixty Thousand Only) per hectare.

7. Learned Advocate for the respondent No.3 submits that since this appeal is covered as submitted by learned Advocate for the appellant/claimant, it can be disposed of and compensation at the rate of Rs.1,60,000/- per hectare may be granted.

8. Accordingly, the First Appeal is partly allowed.

9. The appellant/claimant is entitled to get the

compensation at the rate of Rs.1,60,000/- (Rupees One Lakh Sixty 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/claimant will not be entitled to get interest and other benefits for delayed period of 5072 days.

11. The respondent No.3 is directed to deposit the amount enhanced as per this judgment with interest and other benefits within three months.

12. The appellant/claimant 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/claimant, then the same shall be recovered/deducted from the enhanced compensation amount.

11. First Appeal stands disposed of with no order as to costs.

(G. A. SANAP, J.)