



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

FIRST APPEAL NO. 455 OF 2019

Parasram s/o Sahebrao Kavhale

.. Appellant

Versus

The Special Land Acquisiton Officer
& others

.. Respondents

Mr. K. B. Jadhav, Advocate for the appellant.

Mr. S. V. Hange, AGP for the State.

Ms. S. D. Shelke, Advocate for respondent No. 3.

CORAM : R. M. JOSHI, J.

DATE : 24th JANUARY, 2024.

PER COURT :

1. This appeal is preferred by the original claimant against judgment and award dated 22nd August, 2008, passed in Land Acquisition Reference No. 15/2001.

2. Learned counsel for claimant submits that in the connected land references i.e. in cases of acquisition of land for Lower Dudhna Project, this Court has passed orders in two sets of appeals viz., First Appeal No. 2733/2013 and other and in First Appeal No. 4083/2016 and other. Those orders have attained finality for want of challenge and hence he claims that

present appeal be disposed of in the same terms. Learned counsel for respondents did not dispute these facts.

3. Claimant is the owner and possessor of land bearing Survey/Gat No. 24/2 admeasuring 7 H 48 R with .09 R *pot-kharaba*. The said land was acquired by the Government for Lower Dudhna Project and notification under Section 4 was issued on 13th May, 1995. On 2nd June, 1999, award came to be passed by Special Land Acquisition Officer. Being aggrieved and dis-satisfied by the said award, Land Acquisition Reference No. 15/2001 came to be filed. The said reference was partly allowed by impugned judgment and award.

4. Learned counsel for claimant has drawn attention of this Court to paragraph no. 36 of the impugned award wherein compensation payable in respect of land of the claimant is determined at the rate of Rs. 1,200/- per Are for non-irrigated land, Rs. 1,600/- per Are for seasonally irrigated lands and Rs. 1,800/- per Are for perennially irrigated land. He further drew attention to page 38 of judgment and Chart 4, to submit that the compensation is at the rate of Rs. 1,800/- per Are meaning thereby, Reference Court has accepted the land of appellant as perennially irrigated land. The State has not challenged the finding recorded by the said Court to that effect. Thus, it can be safely held that the land in question is perennially irrigated land.

5. Since both the sides do not dispute the fact that in appeals from connected land acquisition references this Court has passed orders determining amount of compensation and for want of any further challenge to the said orders, they have attained finality, present appeal is partly allowed. Hence the following order :-

ORDER

- i) The market value of the land involved in the present appeal shall be determined as per categorization made by SLAO in the Award under Section 11 of the Act, at the rate of Rs. 3,000/- (Rs. Three Thousand only) per Are for perennially irrigated land and at the rate of Rs. 750/- (Rs. Seven Hundred Fifty only) per Are for *pot-kharaba* land and the amount of compensation be enhanced accordingly.
- ii) The appellant is held entitled to the statutory benefits and interest on the enhanced amount of compensation in accordance with the provisions of the Act. Interest under Section 34 of the Act shall be paid from the date of Award under Section 11 of the Act even on the amount of compensation awarded by the Reference Court.
- iii) Pending application, if any, does not survive and stands disposed of.

(R. M. JOSHI)
Judge