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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.2129 OF 2016

The State of Maharashtra and Others

APPELLANTS

VERSUS

Vishrantibai Vishwambhar Maske

RESPONDENT

AND
FIRST APPEAL NO.2130 OF 2016
AND
FIRST APPEAL NO.2131 OF 2016
AND
FIRST APPEAL NO.2132 OF 2016
AND
FIRST APPEAL NO.2133 OF 2016
AND
FIRST APPEAL NO.2134 OF 2016
AND
FIRST APPEAL NO.2135 OF 2016
AND
FIRST APPEAL NO.2136 OF 2016
AND
X-OBJECTION NO. 157 OF 2024
IN
FIRST APPEAL NO.2129 OF 2016
AND
X-OBJECTION NO. 158 OF 2024
IN
FIRST APPEAL NO.2134 OF 2016
AND
X-OBJECTION NO. 159 OF 2024
IN
FIRST APPEAL NO.2135 OF 2016
AND
X-OBJECTION NO. 153 OF 2024
IN
FIRST APPEAL NO.2133 OF 2016
AND
X-OBJECTION NO. 155 OF 2024
IN
FIRST APPEAL NO.2130 OF 2016
AND

X-OBJECTION NO. 156 OF 2024
IN
FIRST APPEAL NO.2131 OF 2016
AND
X-OBJECTION NO. 152 OF 2024
IN
FIRST APPEAL NO.2132 OF 2016
AND
X-OBJECTION NO. 154 OF 2024
IN
FIRST APPEAL NO.2136 OF 2016

.....
Mr. D. J. Patil, AGP for the State
Mr. Satish S. Manale, Advocate for the claimants
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 26th SEPTEMBER, 2024

ORDER :

1. Heard.

2. Admittedly, First Appeal Nos. 1668 of 2014, 1669 of 2014, 1670 of 2014 and 1671 of 2014, filed by the State and Acquiring Body and first Appeal Nos. 742 of 2019, 743 of 2019, 744 of 2019 and 745 of 2019, filed by the claimants, arose from the same Award No. 2006/LA/CR/1 dated 6th August, 2007. Learned Division Bench (Coram : R. G. Avachat and Neeraj P. Dhote, JJ.), by assigning reasons, partly allowed first Appeal Nos. 742 of 2019, 743 of 2019, 744 of 2019 and 745 of 2019, filed by the claimants, by awarding compensation @ Rs.371/- per square foot

(inclusive of 10% hike per year for three years). Connected First Appeal Nos. 1668 of 2014, 1669 of 2014, 1670 of 2014 and 1671 of 2014, filed by the State and Acquiring Body were also partly allowed and development charges @ 33% i.e. 1/3rd from the amount of compensation was directed to be deducted.

3. Present First appeals are squarely covered by the above decision of the learned Division Bench.

4. For the reasons stated in order dated 1st July, 2024, passed by the learned Division Bench in First Appeal Nos. 1668 of 2014, 1669 of 2014, 1670 of 2014, 1671 of 2014, 742 of 2019, 743 of 2019, 744 of 2019 and 745 of 2019, following order is passed:

ORDER

- A. Cross Objections No. 152 of 2024, 153 of 2024, 154 of 2024, 155 of 2024, 156 of 2024, 157 of 2024, 158 of 2024 and 159 of 2024 filed by the claimants are partly allowed.
- B. The claimants would be entitled for compensation towards acquired land @ 371/- per sq. ft. (Inclusive of 10% hike per year for three years).
- C. First Appeal Nos. 2129 of 2016, 2130 of 2016, 2131 of 2016, 2132 of 2016, 2133 of 2016, 2134 of 2016, 2135 of 2016 and 2136 of 2016 filed by the State are partly

allowed.

- D. Development charges @ 33% i.e. 1/3 from the amount of compensation be deducted.
- E. Impugned Judgment and Award stands modified to the above extent.
- F. Rest of the Impugned Judgment and Award stands unaltered.
- G. Decree be drawn up accordingly.

[NITIN B. SURYAWANSHI]
JUDGE