

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

92 FIRST APPEAL NO. 1367 OF 2020

MURLIDHAR DIGAMBAR PATIL

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER NO.1 DHULE
AND ANOTHER

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Advocate for Appellant : Mr. Deshpande C.R., and
Mr. Pingale Durgesh Madhukar
AGP for Respondent No. 1/State : Mr. G.O. Wattamwar
Advocate for Respondent No.2 : Mr. Jadhav Chetan T.

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CORAM : KISHORE C. SANT, J.

DATE : 03rd JULY, 2024.

PER COURT :

1. Heard the parties.
2. This appeal is preferred for enhancement of the amount of compensation.
3. Learned Advocate for the appellant submits that the SLAO has awarded compensation at the rate of Rs. 35,500/- per hector. The appellant approached the reference Court claiming

compensation at the rate of 1,50,000/- per hector. Learned Reference Court after taking evidence awarded rate of Rs. 1,80,000/- per hector i.e. over and above an amount claimed by the appellant.

4. Being aggrieved, the appellant thereafter approached this Court claiming Rs. 3,00,000/- per hector.

5. During the pendency of the appeal, appellant came across the order passed in the National Lok Adalat in the groups of appeals alongwith the First Appeal No. 1167 of 2013. One of the appellant in FAST No. 29318 of 2015 was by one Dhudku Dodhu Patil, through the legal representative, wherein, in the National Lok Adalat, the said award is modified and rate of Rs. 4,00,000/- per hector for semi irrigated land was granted.

6. The said Dhudku Dodhu Patil was also the owner of the land which was acquired for the same project under the same acquisition proceedings. He had preferred LAR No. 70 of 2000 before the 3rd CJSD, Dhule wherein, the Court had granted rate of Rs. 1,80,000/- per hector considering the land to

be of semi irrigated.

7. Learned Advocate thus, submits that once respondents have accepted the rate of Rs. 4,00,000/- per hector as just and reasonable compensation and the award was passed accordingly, it is necessary in the present case also to award the same rate.

8. Learned Advocates for the Acquiring Body as well learned AGP for State accepts the said position that in National Lok Adalat the matter of Dhudku Patil was settled for Rs. 4,00,000/- per hector considering the land to be irrigated. Thus, there is no dispute about the said position. The Hon'ble Apex Court in the judgment of **Mohammad Raufuddin Vs. The Land Acquisiton Officer (2009) 14 SCC 367** has held that it is a duty of the Court to award the just and fair compensation to the owners of the land whose lands have been acquired.

9. Considering the position as stated above, this Court is inclined to allow the appeal by directing the authority to modify the award by granting rate of Rs. 4,00,000/- per hector to the appellant.

10. Needless to state that the appellant shall pay the Court fees accordingly on the said award in the appeal along with all the statutory benefits..

11. It is made clear that while filing the appeal there was delay of 928 days. The appellant has undertaken not to claim interest for the said delayed period.

12. The appeal stands allowed in above terms.

13. In view of the same, the appellant shall not be entitled to get any interest for the delayed period.

14. The award be modified accordingly.

15. Pending Civil Application/s if any stands disposed off.

**(KISHORE C. SANT)
JUDGE**

mahajansb/